

## Board of Nursing

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 19. BOARD OF NURSING**

(Authority: A.R.S. § 32-1602 et seq.)

**ARTICLE 1. DEFINITIONS AND TIME-FRAMES***New Article 1, consisting of R4-19-101, adopted effective July 19, 1995 (Supp. 95-3).**Article 1, consisting of R4-19-101 through R4-19-102, repealed effective July 19, 1995 (Supp. 95-3).*

## Section

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## Section

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**ARTICLE 1. DEFINITIONS AND TIME-FRAMES****R4-19-101. Definitions**

In addition to the definitions in A.R.S. § 32-1601, in this Chapter:

“Abuse” means a misuse of power or betrayal of trust, respect, or intimacy by a nurse or nursing assistant that causes or is likely to cause physical, mental, emotional, or financial harm to a client.

“Administer” means the direct application of a medication to the body of a patient by a nurse, whether by injection, inhalation, ingestion, or any other means.

“Administrator” means a nurse educator with the administrative responsibility and authority for the direction of a nursing program.

“Approved national nursing accrediting agency” means an organization recognized by the Department of Education as an accrediting agency for a nursing program.

“Certificate or diploma in practical nursing” means the document awarded to a graduate of an educational program in practical nursing.

“Clinical nurse specialist” means a nurse who, through study and supervised practice at the graduate level, is expert in a selected clinical area of nursing.

“Collaborate” means to establish a relationship for consultation or referral with one or more licensed physicians on an as-needed basis. Direct or onsite supervision of the activities of a registered nurse practitioner by the collaborating physician is not required.

“Contact hour” means 50 minutes of participation in a continuing education activity relating to nursing practice.

“Continuing education activity” means a course of study related to nursing practice that is awarded credit hours or units in nursing or medicine by an accredited organization.

“CNA” means a certified nursing assistant.

“CRNA” means a certified registered nurse anesthetist who provides anesthesia services under A.R.S. § 32-1661.

“DEA” means the federal Drug Enforcement Administration.

“Dispense” means to issue one or more doses of medication in a suitable container for subsequent use by a patient.

“Endorsement” means the procedure for granting an Arizona nursing license to an applicant who is already licensed as a nurse in another state of the United States or foreign country or an Arizona nursing assistant certificate to an applicant who is already listed on a nurse aide register in another state or territory of the United States.

“Full approval” means the status granted in writing by the Board when a nursing program, upon graduation of its first class, demonstrates the ability to provide and maintain a program in accordance with the standards provided by A.R.S. § 32-1601 et seq. and these rules.

“Good standing” means the license of a nurse, either practical or professional, or the certificate of a nursing assistant, is current, and the nurse or nursing assistant is not presently subject to any disciplinary action, consent order, or settlement agreement.

“Initial approval” means the permission, granted in writing by the Board, to an institution to establish a nursing or nursing assistant training program, after the Board determines that the program proposal meets the standards provided by the law and these rules.

“Licensed practical nurse” means a practical nurse licensed under this Chapter.

“NATCEP” means Nurse Aide Training and Competency Evaluation Program.

“NCLEX” means the National Council Licensure Examination.

“Nurse” means a licensed practical or professional nurse.

“Nursing practice” means assisting individuals or groups to maintain or attain optimal health, implementing a strategy of care to accomplish defined health goals, and evaluating responses to care and treatment.

“Nursing process” means applying problem-solving techniques that require technical and scientific knowledge, good judgment, and decision-making skills to assess, plan, implement, and evaluate a plan of care.

“Nursing program” means a formal course of instruction designed to prepare its graduates for licensure as professional or practical nurses.

“Nursing-related activities or duties” means client care tasks for which education is provided by a basic NATCEP.

“Parent institution” means the educational institution in which a nursing program or nursing assistant program is conducted.

“Pharmacology” means the science that deals with the study of drugs.

“Physician” means a person licensed under A.R.S. Title 32, Chapters 7, 8, 11, 13, 14, 17, or 29, or by a state medical board in the United States.

“Prescribe” means to order a medication, medical device, or appliance for use by a patient.

“P & D” means prescribing and dispensing.

“Preceptorship” means a clinical learning experience by which a learner enrolled in a NATCEP, nursing program, or nurse practitioner course of study provides nursing or nurse assistant

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services while assigned to a health care worker who holds a license or certificate equivalent to or higher than the level of the learner's program.

"PRN" means as needed.

"Refresher program" means a formal course of instruction designed to provide a review and update of nursing theory and practice to professional or practical nurses preparing to re-enter nursing practice.

"Regionally accredited" means an educational institution is accredited by the New England Association of Schools and Colleges, Middle States Association of Colleges and Secondary Schools, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges.

"Register" means a listing of Arizona certified nursing assistants maintained by the Board that includes the following about each nursing assistant:

Identifying demographic information;

Date placed on the register;

Date of initial and most recent certification, if applicable; and

Status of the nursing assistant certificate, including findings of abuse, neglect, or misappropriation of property made by the Arizona Department of Health Services, sanctions imposed by the United States Department of Health and Human Services, and disciplinary actions by the Board.

"RNP" means a registered nurse practitioner.

"SBTPE" means the State Board Test Pool Examination.

"Self-study" means a written self-evaluation conducted by a nursing program to assess the compliance of the program with the standards listed in R4-19-201 through R4-19-206.

"School nurse" means a professional nurse who is certified under R4-19-308.

"Supervision" means the direction and periodic consultation provided to an individual to whom a nursing task or patient care activity is delegated.

#### Historical Note

Former Glossary of Terms; Amended effective Nov. 17, 1978 (Supp. 78-6). Former Section R4-19-01 repealed, new Section R4-19-01 adopted effective February 20, 1980 (Supp. 80-1). Amended paragraphs (1) and (7), added paragraphs (9) through (25) effective July 16, 1984 (Supp. 84-4). Former Section R4-19-01 renumbered as Section R4-19-101 (Supp. 86-1). Amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 22, 1995 (Supp. 95-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

#### R4-19-102. Time-frames for Licensure, Certification, or Approval

##### A. In this Section:

1. "Applicant" means a person or entity seeking licensure, certification, approval to prescribe and dispense drugs, or approval of a nursing assistant program, a nursing program, a refresher program, or a nurse practitioner course of study.

gram, a refresher program, or a nurse practitioner course of study.

2. "Application packet" means a Board-approved application form and the documentation necessary to establish an applicant's qualifications for licensure, certification, or approval.
- B. In computing the time-frames in this Section, the day of the act or event from which the designated period begins to run is not included. The last day of the period is included unless it is a Saturday, Sunday, or official state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or official state holiday.
- C. For each type of licensure, certification, or approval issued by the Board, the overall time-frame described in A.R.S. § 41-1072(2) is listed in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frames in Table 1. The overall time-frame and the substantive review time-frame described in A.R.S. § 41-1072(3) may not be extended by more than 25% of the overall time-frame.
- D. For each type of licensure, certification, or approval issued by the Board, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is listed in Table 1 and begins to run when the Board receives an application packet.
  1. If the application packet is not administratively complete, the Board shall send a deficiency notice to the applicant. The time for the applicant to respond to a deficiency notice begins to run on the postmark date of the deficiency notice.
    - a. The deficiency notice shall list each deficiency.
    - b. The applicant shall submit to the Board the information or the documentation listed in the deficiency notice within the period specified in Table 1 for responding to a deficiency notice. The time-frame for the Board to complete the administrative review is suspended until the Board receives the missing information or documentation.
    - c. If the applicant fails to provide the information or the documentation listed in the deficiency notice within the period specified in Table 1, the Board shall consider the application packet withdrawn and shall send the applicant a notice of withdrawal.
  2. If the application packet is administratively complete, the Board shall send a written notice of administrative completeness to the applicant.
  3. If the Board issues a license, certificate, or approval during the administrative completeness time-frame, the Board shall not send a separate written notice of administrative completeness.
- E. For each type of licensure, certification, or approval issued by the Board, the substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1 and begins to run on the postmark date of the notice of administrative completeness.
  1. During the substantive review time-frame, an applicant may withdraw an application packet.
  2. The Board may investigate an applicant who discloses prior unprofessional conduct defined in A.R.S. § 32-1601 and may require the applicant to provide additional information or documentation as prescribed in subsection (E)(3) if the Board believes that the conduct is or might be harmful or dangerous to the health of a patient or the public.
  3. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The applicant shall submit

- the additional information or documentation within the period specified in Table 1. The time-frame for the Board to complete the substantive review of the application packet is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
4. If the applicant fails to provide the information or documentation identified in the comprehensive written request within the time specified in Table 1, the Board shall consider the application withdrawn and shall send a notice of withdrawal to the applicant.
  5. The Board shall grant licensure, conditional licensure, certification, or approval to an applicant:
    - a. Who meets the substantive criteria for licensure, certification, or approval required by the Board; and
    - b. Whose licensure, certification, or approval is in the best interest of the public.
  6. The Board shall deny licensure, certification, or approval to an applicant:
    - a. Who fails to meet the substantive criteria for licensure, certification or approval required by the Board; or
    - b. Who has engaged in unprofessional conduct as defined in A.R.S. § 32-1601; and
    - c. Whose licensure, certification, or approval is not in the best interest of the public.
  7. The Board's written order of denial shall meet the requirements of A.R.S. § 41-1076. The applicant may request a hearing by filing a written request with the Board within 30 days of receipt of the Board's order of denial. The Board shall conduct hearings in accordance with A.R.S. § 41-1092 et seq., and 4 A.A.C. 19, Article 6.

#### Historical Note

Adopted effective February 20, 1980 (Supp. 80-1).  
Former Section R4-19-02 renumbered and amended as Section R4-19-102 effective February 21, 1986 (Supp. 86-1). Section repealed effective July 19, 1995 (Supp. 95-3). New Section adopted April 20, 1998 (Supp. 98-2).  
Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

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**Table 1. Time-frames****Time-frames (in days)**

<b>Type of License, Certificate, or Program Approval</b>	<b>Applicable Section</b>	<b>Overall Time-frame Without Investigation</b>	<b>Overall Time-frame With Investigation</b>	<b>Administrative Completeness Time-frame</b>	<b>Time To Respond to Deficiency Notice</b>	<b>Substantive Review Time-frame Without Investigation</b>	<b>Substantive Review Time-frame With Investigation</b>	<b>Time to Respond to Comprehensive Written Request</b>
Initial Approval of Nursing Programs	R4-19-207	150	Not applicable	60	180	90	Not applicable	120
Full Approval of Nursing Programs	R4-19-208	150	Not applicable	60	180	90	Not applicable	120
Approval of Refresher Programs	R4-19-214	150	Not applicable	60	180	90	Not applicable	120
Licensure by Exam	R4-19-301	150	270	30	270	120	240	150
Licensure by Endorsement	R4-19-302	150	270	30	270	120	240	150
Temporary License	R4-19-303	60	90	30	60	30	60	90
License Renewal	R4-19-304	120	270	30	270	90	240	150
School Nurse Certification	R4-19-308	150	270	30	270	120	240	150
Reinstatement of License	R4-19-404	150	270	30	270	120	240	150
Nurse Practitioner Program Approval	R4-19-503	150	Not applicable	60	270	90	Not applicable	120
Nurse Practitioner Certification	R4-19-504	150	270	30	180	120	240	150
Prescribing and Dispensing Approval	R4-19-507	150	270	30	270	120	240	150
Clinical Nurse Specialist Certification	R4-19-511	150	270	30	270	120	240	150
Prescribing Authority of a Certified Registered Nurse Anesthetist	R4-19-513	150	270	30	270	120	240	150
Approval of Nursing Assistant Training Programs	R4-19-803	120	Not applicable	30	180	90	Not applicable	120
Renewal of Approval of Nursing Assistant Training Programs	R4-19-804	120	Not applicable	30	180	90	Not applicable	120
Nursing Assistant Certification by Examination	R4-19-806	150	270	30	270	120	240	150
Nursing Assistant Certification by Endorsement	R4-19-807	150	270	30	270	120	240	150
Temporary Certificate	R4-19-808	60	Not applicable	30	60	30	Not applicable	60
Nursing Assistant Renewal	R4-19-809	120	270	30	270	90	240	150
Reinstatement or Issuance of a Nursing Assistant Certificate	R4-19-815	150	270	30	270	120	240	150

**Historical Note**

Table 1 adopted effective April 20, 1998 (Supp. 98-2). Amended by final rulemaking at 7 A.A.R. 1712, effective April 4, 2001 (Supp. 01-2).

## ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS

### R4-19-201. Organization and Administration

- A. The parent institution of a nursing program shall be regionally accredited.
- B. A nursing program shall have a written statement of mission and goals consistent with those of the parent institution.
- C. A nursing program shall be an integral part of the parent institution and shall have comparable status with other academic units of the parent institution.
- D. The parent institution shall center the administrative control of the nursing program in the nursing program administrator.
- E. A nursing program shall maintain an organizational chart that identifies the relationships, lines of authority, and channels of communication within the program, and between the program and the parent institution.
- F. A nursing program shall have a written agreement between the program and each clinical facility where clinical experience is provided to the program's students that:
  1. Defines the rights and responsibilities of both the clinical facility and the nursing program,
  2. Lists the role and authority of the governing bodies of both the clinical facility and the nursing program,
  3. Allows faculty members of the program the right to select learning experiences for students, and
  4. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.
- G. A nursing program shall have written policies that provide a mechanism for student input into the development of academic policies and procedures and participation in the evaluation plan.
- H. An administrator of a nursing program shall provide evidence that written policies and procedures of the program are reviewed on a regular schedule.
- I. A nursing program shall have a written plan for the systematic evaluation of the total program. The plan shall include the methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following areas shall be evaluated:
  1. Organization and administration of the program;
  2. Mission and goals;
  3. Curriculum;
  4. Education facilities, resources, and services;
  5. Clinical resources;
  6. Student achievement of program educational outcomes;
  7. Graduate performance on the licensing examination;
  8. Faculty performance; and
  9. Protection of patient safety.
- J. A nursing program shall notify the Board of a vacancy or pending vacancy in the position of nursing program administrator within 15 days of the program's awareness of the vacancy or pending vacancy and do the following:
  1. Appoint an interim administrator or a permanent administrator who meets the requirements of R4-19-203(A) within 15 days of the effective date of the vacancy, and
  2. Notify the Board of the appointment of an interim or permanent administrator within 15 days of appointment and provide a copy of the administrator's credentials to the Board.

#### Historical Note

Former Section I, Part I; Amended effective January 20, 1975 (Supp. 75-1). Former Section R4-19-11 repealed, new Section R4-19-11 adopted effective February 20, 1980 (Supp. 80-1). Amended effective July 16, 1984

(Supp. 84-4). Former Section R4-19-11 renumbered as Section R4-19-201 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

### R4-19-202. Resources, Facilities, Services, and Records

- A. The parent institution of a nursing program shall consider the size of the program faculty and number of program students and shall provide facilities for the program that meet the following requirements:
  1. A private office for the administrator of the nursing program;
  2. Faculty offices that are conveniently located and comparable to other faculty offices of the parent institution;
  3. Space for private faculty-student conferences;
  4. Space for clerical staff, records, files, and equipment;
  5. Classrooms, learning laboratories, and conference rooms that provide seating for students enrolled in a course, accommodate audio-visual materials, are free of distractions, and are of the size and type necessary to meet the educational purposes for which the rooms are used;
  6. Secretarial and clerical support personnel to assist the administrator and faculty; and
  7. Access to a collection of educational materials and resources that are current and sufficient to meet program goals and the needs of the students and faculty. The parent institution shall establish reasonable hours for access to the collection and ensure a convenient location for viewing the educational materials and resources.
- B. A nursing program shall maintain current and accurate records of the following:
  1. Student records, including admission materials, courses taken, grades received, scores in any standardized tests taken, and health and performance records;
  2. Faculty records, including Arizona professional nursing license number, evidence of fulfilling the requirements in R4-19-204, and performance evaluations for faculty employed by the parent institution for one or more years;
  3. Minutes of faculty and committee meetings;
  4. Administrative records and reports from accrediting agencies; and
  5. The statement of mission and goals, current curriculum, and course outlines.

#### Historical Note

Former Section I, Part II; Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-12 repealed, new Section R4-19-12 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-12 renumbered as Section R4-19-202 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

### R4-19-203. Administrator; Qualifications and Duties

- A. A nursing program shall appoint an administrator who holds a professional nursing license that is active and in good standing under A.R.S. Title 32, Chapter 15 and:
  1. For professional nursing programs, a graduate degree with a major in nursing; or
  2. For practical nursing programs, a baccalaureate degree with a major in nursing.
- B. The administrator shall have comparable status with other program administrators in the parent institution and shall report directly to an academic officer of the institution.
- C. The administrator shall:

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1. Administer the nursing education program;
  2. Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resources, facilities, services, and program evaluation;
  3. Prepare and administer the budget;
  4. Recommend candidates for faculty appointment, retention, and promotion;
  5. In addition to any other evaluation used by the parent institution, ensure that faculty are evaluated:
    - a. At least every three years,
    - b. By the nurse administrator or a nurse educator designated by the nurse administrator, and
    - c. In the areas of teaching ability and nursing knowledge and skills.
  6. Maintain policies or procedures that promote safe patient care during student clinical experiences; and
  7. Participate in activities that contribute to the governance of the parent institution.
- D.** The administrator of the nursing program shall not teach more than 45 contact hours per academic session.

**Historical Note**

Former Section I, Part III; Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-13 repealed, new Section R4-19-13 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-13 renumbered as Section R4-19-203 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-204. Faculty; Personnel Policies; Qualifications and Duties**

- A.** A nursing program shall implement personnel policies for full- and part-time nursing faculty members that conform to those for other faculty members of the parent institution or provide a written explanation of any differences.
- B.** A nursing program shall have written policies concerning the teaching load for nursing faculty that consider the following factors:
1. The number and level of students enrolled,
  2. The curriculum plan,
  3. The activities and responsibilities required of the faculty including student contact hours, and
  4. The number and geographic locations of clinical laboratory facilities.
- C.** The parent institution of a nursing program shall ensure that the ratio of students to nursing faculty while involved in the direct care of patients shall be no more than 10 to one.
- D.** The parent institution of a nursing program shall ensure that every professional nursing program faculty member has a professional nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15 and that every faculty member meets one of the following:
1. If providing didactic instruction:
    - a. At least two years of experience as a professional nurse providing direct patient care; and
    - b. A graduate degree. The majority of the faculty members of a professional nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing; or
  2. If providing clinical instruction only:
    - a. The requirements for didactic faculty, or

- b. A baccalaureate degree with a major in nursing and at least three years of experience as a professional nurse providing direct patient care.

- E.** The parent institution of a nursing program shall ensure that each practical nursing program faculty member has:
1. A minimum of a baccalaureate degree with a major in nursing,
  2. A professional nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15, and
  3. At least two years of experience as a professional nurse providing direct patient care.
- F.** The nursing faculty shall participate in the following:
1. Developing, implementing, and evaluating the program of learning;
  2. Developing standards for the admission, progression, and graduation of students; and
  3. Providing for the supervision of students in all clinical experiences.

**Historical Note**

Former Section I, Part IV; Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-14 repealed, new Section R4-19-14 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-14 renumbered as Section R4-19-204 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-205. Students; Policies and Admissions**

- A.** A nursing program shall have written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, or dismissal that consider the following:
1. Faculty-to-student ratio,
  2. Educational facilities and resources to accommodate the number of students, and
  3. Capacity of clinical agencies to provide learning experiences.
- B.** A nursing program shall have written policies available to students that address student rights, responsibilities, grievances, health, and safety.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-15 repealed, new Section R4-19-15 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-15 renumbered as Section R4-19-205 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-206. Curriculum**

- A.** A nursing program shall implement a curriculum that:
1. Reflects its mission and goals;
  2. Is logically consistent between and within courses; and
  3. Is designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the scope of practice specified in R4-19-401 for a practical nurse or R4-19-402 for a professional nurse.
- B.** A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program.
- C.** A nursing program shall maintain at least a 75% NCLEX® passing rate for graduates taking the NCLEX-PN® or

NCLEX-RN® for the first time within 12 months of graduation. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 75% for two consecutive calendar years.

#### Historical Note

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-16 repealed, former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-16 renumbered as R4-19-206 (Supp. 86-1). Section repealed; new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

#### R4-19-207. Application for Provisional Approval of a Nursing Program

- A. Before establishing a nursing program a parent institution shall submit an application for proposal approval to the Board that includes the following information and documentation:
  1. Name and address of the parent institution;
  2. Statement of intent to establish a nursing program, including the level of the program; and
  3. Proposal that includes, but is not limited to, the following information:
    - a. Documentation of the present and future need for the program in the state including availability of potential students and need for entry level nurses;
    - b. Potential effect on existing nursing programs in a 50-mile radius of the proposed program;
    - c. Organizational structure of the educational institution documenting the relationship of the nursing program within the institution;
    - d. Accreditation status of the parent institution;
    - e. Purpose, mission, and goals of the nursing program;
    - f. Availability of qualified administrator and faculty;
    - g. Number of budgeted faculty positions;
    - h. Source and description of clinical resources for the program;
    - i. Anticipated student population;
    - j. Documentation of adequate academic facilities and staff to support the nursing program;
    - k. Evidence of financial resources adequate for the planning, implementation, and continuation of the nursing program; and
    - l. Tentative time schedule for planning and initiating the nursing program and the intended date for entry of the first class.
- B. The Board shall grant proposal approval to any regionally-accredited parent institution that demonstrates:
  1. The need for a program,
  2. The resources to operate a program,
  3. The availability of students, and
  4. The availability and resources to secure a qualified administrator and faculty.
- C. A parent institution that is denied proposal approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for proposal approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- D. A parent institution that receives proposal approval may submit an application to the Board for provisional approval that includes the following information and documentation:
  1. Name and address of parent institution; and
  2. Plan for compliance with R4-19-201 through R4-19-206, including but not limited to the following:

- a. Name and qualifications of appointed administrator;
- b. Names and qualifications of nursing faculty for the first year of operation;
- c. Final program implementation plan;
- d. Curriculum, including course outlines, program objectives, and learning outcomes;
- e. Descriptions of available and proposed physical facilities with dates of availability; and
- f. List of available clinical facilities within the geographic area, including facility type, size, number of beds, and type of patients.

- E. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant provisional approval to a parent institution that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A parent institution that is denied provisional approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- F. The provisional approval of a nursing program expires 12 months from the date of the grant of provisional approval if a class of nursing students is not admitted by the nursing program within that time.
- G. If a nursing program fails to apply for full approval within two years of graduating its first class of students, the Board shall rescind its provisional approval. A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

#### Historical Note

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-17 renumbered and amended as Section R4-19-16 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-17 renumbered as R4-19-207 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

#### R4-19-208. Application for Full Approval

- A. A nursing program seeking full approval shall submit an application that includes the following information and documentation:
  1. Name and address of the parent institution,
  2. Date the nursing program graduated its first class of students, and
  3. 15 copies of a self-study report that contains evidence the program is in compliance with R4-19-201 through R4-19-206.
- B. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant full approval to a nursing program that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A nursing program that is denied full approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- C. A nursing program shall apply for full approval within a two-year period after graduating its first class or its initial approval may be rescinded by the Board following notice and an opportunity for hearing.



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**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-209. Nursing Program Change**

- A.** A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
  1. Changing the mission or goals,
  2. Increasing or decreasing the length of the program,
  3. Adding or deleting a geographical location of the program,
  4. Increasing the student enrollment capacity by more than 20%,
  5. Changing the level of educational preparation provided, or
  6. Transferring the nursing program from one institution to another.
- B.** The administrator shall submit the following materials with the request for nursing program changes:
  1. The rationale for the proposed change and the anticipated effect on the program administrator, faculty, students, resources, and facilities;
  2. A summary of the differences between the current practice and proposed change;
  3. A timetable for implementation of the change; and
  4. The methods of evaluation to be used to determine the effect of the change.
- C.** The Board shall approve a request for a nursing program change if the program demonstrates that it has the resources to implement the change and the change is consistent with R4-19-201 through R4-19-206. A nursing program that is denied approval of program changes may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-210. Renewal of Approval of Board-approved Nursing Programs**

- A.** An approved nursing program that is not accredited by an approved national nursing accrediting agency shall submit an application packet to the Board at least four months before the expiration of the current approval that includes the following:
  1. Name and address of the parent institution,
  2. Current regional accreditation status,
  3. Copy of the current catalog of the parent institution,
  4. Copy of current nursing program policies, and
  5. 15 copies of a self-study report that contains evidence of compliance with R4-19-201 through R4-19-206.
- B.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall renew program approval for a maximum of five years if the nursing program meets the criteria in R4-19-201 through R4-19-206 and if renewal is in the best interest of the public. The Board shall determine the term of approval that is in the best interest of the public.
- C.** If the Board denies renewal of approval, the nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-211. Rescission of Approval of a Nursing Program or a Refresher Program**

- A.** The Board shall, upon determining that a nursing program or a refresher program is not in compliance with R4-19-201 through R4-19-214, provide to the administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. The time for correction may not exceed 18 months.
  1. The administrator shall, within 30 days from the date of service of the notice of deficiencies, file a plan to correct each of the identified deficiencies after consultation with the Board or designated Board representative.
  2. The administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
  3. If the Board's determination is not appealed or is upheld upon appeal, the Board shall conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies are corrected.
- B.** The Board shall, following a Board-conducted survey and report, rescind the approval of a nursing program or refresher program if the program fails to comply with R4-19-201 through R4-19-214 within the time set by the Board in the notice of deficiencies served upon the program.
  1. The Board shall serve the administrator with a written notice of proposed rescission of approval that states the grounds for the rescission. The administrator shall have 30 days to submit a written request for a hearing to show cause why approval should not be rescinded. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
  2. Upon the effective date of a decision to rescind program approval, the nursing program shall immediately cease operation and be removed from the official approved-status listing. A nursing program that has been ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.
- C.** In addition to the cause in subsection (A), if the Board determines that the effectiveness of instruction to students is impaired, the Board may rescind approval of a nursing program for any of the following causes:
  1. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in R4-19-201 through R4-19-214; or
  2. Failure to comply with orders of or stipulations with the Board within the time determined by the Board.

**Historical Note**

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

**R4-19-212. Nationally Accredited Nursing Programs**

- A.** An approved nursing program that is accredited by an approved national nursing accrediting agency shall submit to the Board evidence of initial accreditation and shall submit evidence of continuing accreditation after each reaccreditation review.

- B. The administrator shall submit to the Board any report from a national accrediting agency citing deficiencies or recommendations at the time the report is received by the nursing program.
- C. The administrator of a nursing program shall notify the Board within 10 days of any change in accreditation status.
- D. The administrator of a nursing program that loses its accreditation status or allows its accreditation status to lapse shall file an application for renewal of approval under R4-19-210 within 30 days of loss of or lapse in accreditation status.
- E. Unless otherwise notified by the Board following receipt and review of the documents required by subsections (A) and (B), a nursing program continues to have full-approval status. The administrator of a nursing program that has its continuing approval-status rescinded by the Board may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding continuing full-approval status. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

#### Historical Note

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

#### R4-19-213. Voluntary Termination of a Nursing Program or a Refresher Program

- A. The administrator of a nursing program or a refresher program shall notify the Board within 15 days of a decision to voluntarily terminate the program. The administrator shall, at the same time, submit a written plan for terminating the nursing program or refresher program.
- B. The administrator shall ensure that the nursing program or refresher program is maintained, including the nursing faculty, until the last student is transferred or completes the program.
- C. Within 15 days after the termination of a nursing program or refresher program, the administrator shall notify the Board of the permanent location and availability of all program records.

#### Historical Note

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

#### R4-19-214. Approval of Refresher Programs

- A. An applicant for approval of a refresher program for nurses whose licenses have been inactive or expired for five or more years or nurses under Board order to enroll in a refresher program shall submit a completed application that provides the following information and documentation:
  1. Applicant's name, address, and telephone number;
  2. Proposed starting date for the program;
  3. Name and curriculum vitae of all instructors;
  4. Complete program outline;
  5. Statement describing the facilities, staff, and resources that the applicant will use to conduct the refresher program; and
  6. Program curriculum that consists of a minimum of 40 hours of theory and 112 hours of supervised clinical practice for a licensed practical nurse or a minimum of 60 hours of theory and 160 hours of supervised clinical practice for a professional nurse, including:
    - a. A comprehensive review of basic nursing care concepts and skills to include nursing process and theory, medication calculation and administration, and communication;
    - b. Medical and surgical nursing;
    - c. Update of new nursing care concepts and skills;

- d. Planned and supervised clinical practice experience consistent with course theory and course objectives; and
- e. Program and participant evaluation.

- B. The Board shall approve a refresher program that meets the requirements of subsection (A), if approval is in the best interest of the public, for a term of four years. An applicant who is denied refresher program approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- C. The refresher program sponsor shall apply for renewal of approval in accordance with subsection (A) not later than 90 days before expiration of the current approval. The sponsor of a refresher program that is denied renewal of approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- D. The sponsor of an approved refresher program shall provide written notification to the Board within five days of a participant's completion of the program of the following:
  1. Name of the participant and whether the participant successfully completed or failed the program,
  2. Participant's license or permit number, and
  3. Date of participant's completion of the program.

#### Historical Note

Adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 7 A.A.R. 5349, effective November 8, 2001 (Supp. 01-4).

### ARTICLE 3. LICENSURE

#### R4-19-301. Licensure by Examination

- A. An applicant for licensure by examination shall:
  1. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full name and any former names used by the applicant;
    - b. Mailing address, including primary state of residence, and telephone number;
    - c. Place and date of birth;
    - d. Ethnic category and marital status, at the applicant's discretion;
    - e. Social security number for an applicant who lives or works in the United States;
    - f. Post-secondary education, including the names and locations of schools attended, graduation dates, and degrees received, if applicable;
    - g. Current employer or practice setting, including address, telephone number, position, and dates of service, if employed or practicing in nursing or health care, and previous employer or practice setting in nursing or health care, if any, if current employment is less than 960 hours within the past five years;
    - h. Any state, territory, or country in which the applicant holds a registered or practical nursing license and the license number and status of the license, including original state of licensure, if applicable;
    - i. The date the applicant previously filed an application for licensure in Arizona, if applicable or known;
    - j. Responses to questions regarding the applicant's background on the following subjects:

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- i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation of the applicant's nursing license in another state or territory of the United States,
    - ii. Felony conviction or conviction of an undesignated or other similar offense, and
    - iii. Unprofessional conduct as defined in A.R.S. § 32-1601;
  - k. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
  - l. Certification in nursing including category, specialty, name of certifying body, date of certification, and expiration date.
2. Submit a completed fingerprint card for the purpose of obtaining a criminal history report under A.R.S. § 32-1606 if the applicant has not submitted a fingerprint card to the Board within the last two years; and
  3. Pay the applicable fees.
- B.** If an applicant took the State Board Test Pool Examination (SBTPE), National Council Licensure Examination (NCLEX®) RN, or NCLEX-PN in any state or territory of the United States or in Canada, the applicant shall indicate on the application:
1. The date of the examination,
  2. The location of the examination, and
  3. The result of the examination.
- C.** If an applicant is a graduate of a nursing program in the United States that has been assigned a program code by the National Council of State Boards of Nursing, the applicant shall submit one of the following:
1. If the program is an Arizona-approved program, a statement signed by a nursing program administrator or designee verifying that:
    - a. The applicant graduated from a registered nursing program for a registered nurse applicant; or
    - b. The applicant completed a practical nursing program or graduated from a registered nursing program for a practical nurse applicant; or
  2. If the program is located in another state or territory and meets educational standards that are substantially comparable to Board standards for educational programs under R4-19-201 to R4-19-206 when the applicant completed the program, an official transcript sent directly from one of the following as:
    - a. Evidence of graduation from a diploma registered nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a registered nurse applicant.
    - b. Evidence of completion of a practical nursing program, associate degree registered nursing program, or baccalaureate or higher degree registered nursing program for a practical nurse applicant.
- D.** If an applicant is a graduate of a foreign nursing program and lacks items required in subsection (C), the applicant shall comply with subsections (A) and (B), submit verification of the status of any nursing licenses held, and submit the following:
1. To demonstrate nursing program equivalency, one of the following:
    - a. Evidence of a passing score on the English language version of either the Canadian Nurses' Association Testing Service, or the Canadian Registered Nurse Examination or an equivalent examination;
  - b. A Certificate or Visa Screen Certificate issued by the Commission on Graduates of Foreign Nursing Schools (CGFNS), or a report from CGFNS that indicates an applicant's program is substantially comparable to a U.S. program; or
  - c. A report from another credential evaluation service (CES) that is accepted by the Board. The Board shall accept reports from a CES if acceptance is in the best interest of the public and the CES submits the information required by the Board under R4-19-303.
2. If an applicant's pre-licensure nursing program provided classroom instruction, textbooks, or clinical experiences in a language other than English, a test of written, oral, and spoken English is required. Clinical experiences are held in a foreign language if the principal language of the country or region where the nursing program was held is a language other than English. An applicant shall ensure that one of the following is submitted to the Board directly from the testing or certifying agency:
    - a. Evidence of a minimum score of 540 on the paper and pencil version or 207 on the computer-based version of the Test of English as a Foreign Language (TOEFL) and a minimum score of 50 on the Test of Spoken English (TSE) or an equivalent score on a combined spoken and written TOEFL,
    - b. Evidence of a minimum score of 6.5 on the Academic Exam and 7.0 on the spoken exam of the International English Language Test Service (IELTS) Examination,
    - c. Evidence of a minimum score of 725 on the Test of English in International Communication (TOEIC) exam and 50 on the TSE,
    - d. A Visa Screen Certificate from CGFNS,
    - e. A CGFNS Certificate and a score of 50 on the TSE,
    - f. Evidence of a similar minimum score on another written and spoken English proficiency exam determined by the Board to be equivalent to the other exams in this subsection, or
    - g. Evidence of employment for a minimum of 960 hours within the past five years as a nurse in another country or territory where the principal language is English.
- E.** An applicant for a registered nurse license shall attain:
1. A passing score on the NCLEX-RN;
  2. A score of 1600 on the NCLEX-RN, if the examination was taken before July 1988; or
  3. A score of not less than 350 on each part of the SBTPE for registered nurses.
- F.** An applicant for a practical nurse license shall attain:
1. A passing score on the NCLEX-PN;
  2. A score of not less than 350 on the NCLEX-PN, if the examination was taken before October 1988; or
  3. A score of not less than 350 on the SBTPE for practical nurses.
- G.** The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by examination may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

**Historical Note**

Former Section II, Part I; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-24 repealed, new

Section R4-19-24 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-24 repealed, new Section R4-19-24 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-24 renumbered as Section R4-19-301 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### **R4-19-302. Licensure by Endorsement**

- A.** An applicant for a license by endorsement shall submit all of the information required in R4-19-301(A).
- B.** In addition to the information required in subsection (A), an applicant for a license by endorsement shall:
  1. Submit evidence of a passing examination score in accordance with:
    - a. R4-19-301(E) for a registered nurse applicant, or
    - b. R4-19-301(F) for a practical nurse applicant.
  2. Submit evidence of the following:
    - a. Previous or current license in another state or territory of the United States, and
    - b. One of the following:
      - i. Completion of a nursing program that has been assigned a nursing program code by the National Council of State Boards of Nursing at the time of program completion and meets educational standards substantially comparable to Board standards for educational programs in R4-19-201 to R4-19-206,
      - ii. Completion of a nursing program that met the qualifications for a program code at the time of the applicant's graduation if before 1986 and the applicant was issued an initial license in another state or territory of the United States without being required to obtain additional education or experience, or
      - iii. For a graduate of a foreign nursing program, completion of a nursing program that meets the requirements in R4-19-301(D)(1). In addition, an applicant who graduated from a foreign nursing program shall satisfy the English proficiency requirements in R4-19-301(D)(2) if the applicant has not practiced nursing for a minimum of 960 hours within the past five years in another state, territory, or country where English is the primary language.
- C.** The Board shall grant a license to practice as a registered or practical nurse to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a license by endorsement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### **Historical Note**

Former Section II, Part II; Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-25 repealed, new Section R4-19-25 adopted effective May 9, 1984 (Supp. 84-3). Former Section R4-19-25 renumbered and amended as Section R4-19-302 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective Decem-

ber 7, 2000 (Supp. 00-4). Amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### **R4-19-303. Requirements for Credential Evaluation Service**

- A.** A credential evaluation service that seeks to be accepted by the Board shall submit documentation to the Board for initial acceptance and every three years that it:
  1. Provides a credential evaluation to determine comparability of registered nurse or practical nurse programs in other countries to nursing education in the United States;
  2. Evaluates original source documents;
  3. Has five or more years of experience in evaluating nursing educational programs or employs personnel that have this experience;
  4. Employs staff with expertise in evaluating nursing programs;
  5. Has access to resources pertinent to the field of nursing education and the evaluation of nursing programs;
  6. Issues a report on each applicant, and supplies the Board with a sample report, regarding the comparability of the applicant's nursing educational program to nursing education in the United States that includes:
    - a. The name of the applicant including any former names,
    - b. Source and description of the documents evaluated,
    - c. Name and nature of the institution,
    - d. Dates applicant attended,
    - e. References consulted,
    - f. A seal or some other security measure, and
    - g. Notification of any falsification or misrepresentation of documents by the applicant;
  7. Has a quality control program that includes at a minimum:
    - a. Standards regarding the use of original documents,
    - b. Verifying authenticity of documents and translations,
    - c. Security of documents,
    - d. Confidentiality of records,
    - e. Responsiveness to applicants that include the criterion that reports are issued no later than eight weeks from the receipt of an applicant's documents; and
    - f. Tracking and notification of the Board of any trends in falsification or misrepresentation of documents;
  8. Follows the standards of the National Association of Credentialing Services (NACES) or an equivalent organization regarding staffing and resources;
  9. Will allow the Board to conduct a site survey at any time deemed necessary by the Board; and
  10. Agrees to notify the Board before any changes in any of the above criteria.
- B.** Depending on the severity of the violation, the Board may revoke the approval of a credential evaluation service that fails to comply with the criteria established in this Section.
- C.** The Board shall approve a credential evaluation service that meets the criteria established in this Section. An applicant who is denied approval or whose approval is revoked may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### **Historical Note**

Former Section II, Part III; Former Section R4-19-26 repealed, new Section R4-19-26 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-26 renumbered and amended as Section R4-19-27, new Section R4-19-26 adopted effective May 9, 1984 (Supp. 84-

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3). Former Section R4-19-27 renumbered as Section R4-19-303 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1802, effective May 18, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-303 renumbered to R4-19-304; new Section R4-19-303 made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-304. Temporary License**

**A.** Subject to subsection (B), the Board shall issue a temporary license if:

1. An applicant:
    - a. Is qualified under:
      - i. A.R.S. § 32-1635 and applies for a temporary registered nursing license, or is qualified under A.R.S. § 32-1640 and applies for a temporary practical nursing license; and
      - ii. R4-19-301 for applicants for licensure by examination, or is qualified under R4-19-302 for applicants for licensure by endorsement; and
    - b. Submits an application for a temporary license with the applicable fee required under A.R.S. § 32-1643(A)(9); and
    - c. Submits an application for a license by endorsement or examination with the applicable fee required under A.R.S. § 32-1643(A).
  2. An applicant is seeking a license by examination, meets the requirements of R4-19-312(C), and the Board receives a report from the Arizona Department of Public Safety (DPS), verifying that DPS has no criminal history record information, as defined in A.R.S. § 41-1701, relating to the applicant or that any criminal history reported has been reviewed by the executive director or the director's designee and determined not to pose a threat to public health, safety, or welfare; or
  3. An applicant is seeking a license by endorsement, meets the requirements in R4-19-312(B), and the applicant submits evidence that the applicant has a current license in good standing in another state or territory of the United States; or
  4. An applicant has an expired, inactive, or lapsed license for five or more years, or does not meet the requirements in R4-19-312(B) or (C), but provides evidence that the applicant has applied for enrollment in a refresher program.
- B.** An applicant who has a criminal history, a history of disciplinary action by a regulatory agency, or a pending complaint before the Board is not eligible for a temporary license or extension of a temporary license without Board approval.
- C.** A temporary license is valid for a maximum of 12 months unless extended for good cause under subsection (D).
- D.** An applicant with a temporary license may apply for and the Board or the Executive Director may grant an extension of the temporary license period for good cause. Good cause means reasons beyond the control of the temporary licensee, such as unavoidable delays in obtaining information required for licensure.
- E.** An applicant who receives a temporary license but does not meet the criteria for a regular license within the established period under subsections (C) and (D) is no longer eligible for a temporary license.

**Historical Note**

Former Section II, Part IV; Amended effective January

20, 1975 (Supp. 75-1). Former Section R4-19-27 repealed, new Section R4-19-27 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-27 renumbered and amended as Section R4-19-28. Former Section R4-19-26 renumbered and amended as Section R4-19-27 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-27 renumbered and amended as Section R4-19-304 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-304 renumbered to R4-19-305; new Section R4-19-304 renumbered from R4-19-303 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-305. License Renewal**

- A.** An applicant for renewal of a registered or practical nursing license shall:
1. Submit to the Board a verified application obtained from the Board that provides all of the following information about the applicant:
    - a. Full name, mailing address, and primary state of residence;
    - b. A listing of all states in which the applicant is currently licensed;
    - c. Marital status, at the applicant's discretion;
    - d. Information regarding qualifications, including:
      - i. Educational background;
      - ii. Employment status; and
      - iii. Practice setting;
    - e. Responses to questions regarding the applicant's background on the following subjects:
      - i. Criminal convictions for offenses involving drugs or alcohol since the time of last renewal;
      - ii. Felony convictions or convictions for undesignated or other similar offenses since the time of last renewal; and
      - iii. Unprofessional conduct as defined in A.R.S. § 32-1601 since the time of last renewal;
    - f. A detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background;
    - g. Information about the applicant's current or most recent nursing practice under R4-19-312, including position, address, telephone number, and dates of practice. If the period of practice in the current position is less than 960 hours within the last five years, the nurse shall provide, if available, documentation of 960 hours of practice in the last five years; and
    - h. Certification in nursing including category, specialty, name of certifying body, date of certification, and expiration date;
  2. Pay fees for renewal authorized by A.R.S. § 32-1643(6); and
  3. Pay an additional fee for late renewal authorized by A.R.S. § 32-1643(7) if the application for renewal is submitted after August 1 of the year of renewal.
- B.** A license renewed after July 1, 2000 expires November 2 of the year of renewal indicated on the license.
- C.** A licensee who fails to submit a renewal application before expiration of a license shall not practice nursing until the Board issues a renewal license.
- D.** The Board shall renew the license of any registered or practical nurse applicant who meets the criteria established in statute and this Article. An applicant who is denied renewal of a license may request a hearing by filing a written request with

the Board within 30 days of service of the Board's order denying renewal of the license. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Former Section II, Part V; Repealed effective January 20, 1975 (Supp. 75-1). New Section R4-19-28 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-28 renumbered and amended as Section R4-19-29. Former Section R4-19-27 renumbered and amended as Section R4-19-28 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and repealed as Section R4-19-305 effective February 21, 1986 (Supp. 86-1). New Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-305 renumbered to R4-19-306; new Section R4-19-305 renumbered from R4-19-304 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### R4-19-306. Inactive License

- A. A licensee in good standing may submit a written request to the Board to transfer to inactive status, or request a transfer to inactive status on a verified renewal application.
- B. The Board shall send a written notice to the licensee granting inactive status in writing or denying the request. A licensee denied a request for transfer to inactive status may request a hearing by filing a written request with the Board within 30 days of service of the denial of the request. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.

#### Historical Note

Former Section II, Part VI; Amended effective January 20, 1975 (Supp. 75-1). Amended effective December 7, 1976 (Supp. 76-5). Former Section R4-19-29 repealed, new Section R4-19-29 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-29 renumbered and amended as Section R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-28 renumbered and amended as Section R4-19-29 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered as Section R4-19-306 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-306 renumbered to R4-19-307; new Section R4-19-306 renumbered from R4-19-305 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### R4-19-307. Application for a Duplicate License

- A. A licensee shall report a lost or stolen license to the Board, in writing, within 30 days of the loss.
- B. A licensee requesting a duplicate license shall file an application for a duplicate license and pay the applicable fee under A.R.S. § 32-1643(14).

#### Historical Note

Former Section II, Part VII; Former Section R4-19-30 renumbered and amended as Section R4-19-45, new Section R4-19-30 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-30 renumbered and amended as Section R4-19-31. Former Section R4-19-29 renumbered and amended as R4-19-30 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-29 renumbered and amended as Section R4-19-307 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section

adopted effective July 19, 1995 (Supp. 95-3). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-307 renumbered to R4-19-308; new Section R4-19-307 renumbered from R4-19-306 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### R4-19-308. Change of Name or Address

- A. A licensee or applicant shall notify the Board, in writing, of any legal change in name within 30 days of the change, and submit a copy of the official document verifying the name change.
- B. A licensee or applicant shall notify the Board of any change in mailing address within 30 days.

#### Historical Note

Former Section II, Part VII; Former Section R4-19-31 repealed, new Section R4-19-31 adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32. Former Section R4-19-30 renumbered and amended as Section R4-19-31 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-31 renumbered as Section R4-19-308 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3). Amended effective December 3, 1998 (Supp. 98-4). Amended by final rulemaking at 6 A.A.R. 4819, effective December 7, 2000 (Supp. 00-4). Former Section R4-19-308 renumbered to R4-19-309; new Section R4-19-308 renumbered from R4-19-307 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

#### R4-19-309. School Nurse Certification Requirements

- A. Application requirements. An applicant for initial school nurse certification shall:
  1. Hold a current license in good standing or multistate privilege to practice as a registered nurse in Arizona;
  2. Submit to the Board a verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full name and any former names used by the applicant;
    - b. Mailing address and telephone number;
    - c. Registered nurse license number;
    - d. Social security number;
    - e. A description of the applicant's educational background, including the number and location of schools attended, the number of years attended, the date of graduation, the type of degree or certificate awarded, and if applicable, a statement that the applicant has satisfied the educational requirements specified in subsection (C), (D), or (E);
    - f. Current employer, including address, telephone number, position type, dates of employment, and previous employer if the current employment is less than 12 months;
    - g. The name of any national certifying organization, specialty area, certification number and date of certification, if applicable;
    - h. Responses to questions regarding the applicant's background on the following subjects:
      - i. Pending disciplinary action by a nursing regulatory agency in the United States or its territories or current investigation in another state or territory of the United States;
      - ii. Felony conviction or conviction of an undesignated or other similar offense; and

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- iii. Unprofessional conduct as defined in A.R.S. § 32-1601; and
    - i. Detailed explanation and supporting documentation for each affirmative answer to questions regarding the applicant's background; and
  - 3. Pay applicable fees.
- B. Initial-level certification.**
  - 1. Only applicants who have never been certified by the Board or the Department of Education are eligible for certification at the initial level. The Board does not require additional education, exceeding that required for licensure as a registered nurse for initial-level certification.
  - 2. Initial-level certification expires three years after the issue date on the certificate.
- C. First-level certification.**
  - 1. If the initial-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has never renewed, the nurse shall apply for first-level certification. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of completion of all the following:
    - a. Three semester hours in school nurse practice course work,
    - b. Three semester hours in physical assessment of the school-aged child course work, and
    - c. Three semester hours in nursing care of the child with developmental disabilities.
  - 2. A first-level certificate expires three years after the issue date on the certificate.
- D. Second-level certification.**
  - 1. If the first-level certificate of a school nurse has expired, or the school nurse was previously certified by the Department of Education and has renewed once, the nurse shall apply for second-level certification. In addition to the requirements in subsection A, the registered nurse applicant shall provide evidence of completion of the following:
    - a. A bachelor of science degree in nursing, or
    - b. Completion of the following educational requirements:
      - i. Three semester hours in community health nursing theory or population-based care;
      - ii. Three semester hours in management theory; and
      - iii. Either three semester hours of upper division or graduate credit in nursing or health-related subjects from a regionally-accredited institution, as defined in R4-19-101, or 45 contact hours of continuing education related to nursing practice.
  - 2. A second-level certificate expires six years after the issue date on the certificate.
- E. Third-level certification.**
  - 1. If the second-level certificate of a school nurse has expired or the school nurse was previously certified by the Department of Education and has renewed two or more times, the nurse shall apply for third-level certification on all subsequent renewals. In addition to the requirements in subsection (A), the registered nurse applicant shall provide evidence of all the following:
    - a. Six semester hours of upper division or graduate credit in nursing or health-related subjects from a regionally accredited institution, as defined in R4-19-101; or
    - b. Ninety contact hours of continuing education related to nursing practice.
  - 2. Third-level certification expires six years after the issue date on the certificate.
- F. The Board shall grant a school nurse certificate to any applicant who meets the criteria established in statute and this Article. An applicant who is denied a school nurse certificate may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10.**

**Historical Note**

Former Section II, Part IX; Repealed effective February 20, 1980 (Supp. 80-1). Former Section R4-19-31 renumbered and amended as Section R4-19-32 effective May 9, 1984 (Supp. 84-3). Former Section R4-19-32 renumbered as Section R4-19-309 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3). New Section made by final rulemaking at 8 A.A.R. 1813, effective March 20, 2002 (Supp. 02-1). Former Section R4-19-309 renumbered to R4-19-311; new Section R4-19-309 renumbered from R4-19-308 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-310. Certified Registered Nurse**

A registered nurse who has been certified by a nursing organization accredited by the American Board of Nursing Specialties, the National Commission for Certifying Agencies, or an equivalent accrediting agency as determined by the Board is deemed certified for the purposes of A.R.S. § 32-1601(4).

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-311. Nurse Licensure Compact**

The Board shall implement A.R.S. §§ 32-1668 and 32-1669 according to the provisions of the Nurse Licensure Compact: Model Rules and Regulations, published by the National Council of State Boards of Nursing, Inc., 111 E. Wacker Dr., Suite 2900, Chicago, IL, 60601, [www.ncsbn.org](http://www.ncsbn.org), November 2, 1999, and no later amendments or editions, which is incorporated by reference and on file with the Board.

**Historical Note**

New Section renumbered from R4-19-309 and amended by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-312. Practice Requirement**

- A.** The Board shall not issue a license or renew the license of an applicant who does not meet the applicable requirements in subsections (B), (C), and (D).
- B.** An applicant for licensure by endorsement or renewal shall complete a nursing program or practice nursing at the applicable level of licensure for a minimum of 960 hours in the five years before the date on which the application is received. This requirement is satisfied if the applicant verifies that the applicant has:
  - 1. Completed a nursing education program and obtained a degree, or an advanced practice certificate in nursing within the past five years; or
  - 2. Practiced for a minimum of 960 hours within the past five years where the nurse:
    - a. Worked for compensation or as a volunteer, as a licensed nurse, and performed one or more acts under A.R.S. § 32-1601(13) for a registered nurse or A.R.S. § 32-1601(12) for a practical nurse; or

- b. Held a position for compensation or as a volunteer that required or recommended, in the job description, the level of licensure being sought or renewed; or
  - c. Engaged in clinical practice as part of an RN-BSN, masters, doctoral, or nurse practitioner program.
- C. An applicant for licensure by examination, who is a graduate of a nursing program located in the U.S or its territories, shall complete a pre-licensure nursing program within two years of the date of licensure. Examination applicants who were previously licensed in a foreign jurisdiction shall meet the applicable requirements of subsection (B) or (D).
- D. A licensee or applicant who fails to satisfy the requirements of subsection (B) or (C), shall submit evidence of satisfactory completion of a Board-approved refresher program that meets the requirements in R4-19-214. The Board may issue a temporary license stamped "for refresher course only" to any applicant who meets all requirements of this Article except subsection (B) or (C) and provides evidence of applying for enrollment in a Board-approved refresher program.

**Historical Note**

New Section made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**ARTICLE 4. REGULATION****R4-19-401. Scope of Practice for a Practical Nurse**

- A. A licensed practical nurse shall provide nursing care only under the supervision of a professional nurse or licensed physician.
- B. The scope of practice for a licensed practical nurse shall include planning, implementation, documentation, and evaluation of the following:
  - 1. Providing for the emotional and physical comfort of patients;
  - 2. Observing, recording and reporting the condition of the patients including signs and symptoms which may be indicative of change in the patient's condition to the nurse's immediate supervisor;
  - 3. Performing those nursing activities for which the licensed practical nurse has been prepared through basic education and those additional skills which are obtained through approved continued education programs.
  - 4. Assisting with the rehabilitation of patients in accordance with the patient's care plan.

**Historical Note**

Former Section III, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-42 renumbered as Section R4-19-401 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

**R4-19-402. Scope of Practice for a Professional Nurse**

- A. The scope of practice for a professional nurse shall include the following:
  - 1. Performing those nursing activities for which the professional nurse has been prepared through basic education and additional skills which are obtained through approved continuing education programs;
  - 2. Providing the nursing supervision in the planning for and provision of nursing care to patients and the directing and evaluating of nursing care provided by other licensed nurses and other personnel;
  - 3. Providing patient education, both individualized and to the public;

- 4. Assessing the patient's needs, planning for, implementing, evaluating, and documenting the nursing care being provided to each patient.

- B. A professional nurse shall be responsible both for the nursing care directly provided by the nurse and the care provided by others who are under the professional nurse's supervision.

**Historical Note**

Former Section III, Part I; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-43 renumbered as Section R4-19-402 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

**R4-19-403. Competency to Practice Nursing**

For purposes of A.R.S. § 32-1601(11)(d), a practice that is or might be harmful or dangerous to the health of a patient or the public includes the following:

1. A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice;
2. Intentionally or negligently causing physical or emotional injury;
3. Abandoning or neglecting a patient requiring immediate nursing care without making reasonable arrangement for continuation of such care;
4. Removing a patient's life support system without appropriate medical or legal authorization;
5. Failing to maintain for each patient a record which accurately reflects the nursing care and treatment provided to a patient;
6. Failing to take appropriate action to safeguard a patient's welfare or to follow policies and procedures of the nurse's employer designed to safeguard the patient;
7. Failing to report to the Board a licensed nurse whose work history includes conduct, or a pattern of conduct, which leads to actual or potential adverse patient consequences threatening public health and safety;
8. Failing to take action in a health care setting to protect a patient whose safety or welfare is at risk from incompetent health care practice, or to report such practice to employment or licensing authorities;
9. Assuming patient care responsibilities for which the nurse lacks the education to perform or for which the nurse has failed to maintain nursing competence;
10. Failing to supervise persons to whom nursing functions have been delegated;
11. Removing, without authorization, narcotics, drugs, supplies, equipment, or medical records from any health care facility, school, institution, or other work place location;
12. A pattern of use or being under the influence of alcoholic beverages, medications, or other substances to the extent that judgment may be impaired and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location;
13. Obtaining, possessing, administering, or using any narcotic, controlled substance, or illegal drugs in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices;
14. Falsifying or making materially incorrect, inconsistent, or unintelligible entries in any patient records or in the records of any health care facility, school, institution, or other work place location, pertaining to the obtaining, possessing, or administration of any controlled substance as defined in the federal Controlled Substance Act, 21 U.S.C. 801 et seq., or Arizona's Uniform Controlled Substance Act, A.R.S. Title 36, Chapter 27;



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15. Engaging in fraud, misrepresentation, or deceit in writing the licensing examination or on an application for licensure or a renewal of license;
16. Impersonating professional and licensed practical nurses;
17. Permitting or allowing another person to use the nurse's license for any purpose;
18. Advertising of the practice of nursing in which untruthful or misleading statements are made;
19. Prescribing controlled substances to members of the registered nurse practitioner's immediate family or for oneself;
20. Providing any controlled substance or prescription-only drug for other than accepted therapeutic purposes;
21. Prescribing controlled substances by a registered nurse practitioner, including amphetamines and similar class II drugs, in the treatment of exogenous obesity, for a period in excess of 30 days within a 12-month period for an individual; or the non-therapeutic use of injectable amphetamines;
22. Delegating, by the registered nurse practitioner, the prescribing or dispensing of drugs to any other person;
23. Practicing nursing without a current license;
24. Failing to cooperate with the Board by:
  - a. Not furnishing in writing a full and complete explanation covering the matter reported pursuant to A.R.S. § 32-1664, or
  - b. Not responding to a subpoena issued by the Board;
25. Practicing in any other manner which gives the Board reasonable cause to believe that the health of a patient or the public may be harmed.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-44 repealed, new Section R4-19-44 adopted effective May 9, 1984 (Supp. 84-3). Amended by adding Paragraphs 18 through 22 effective July 16, 1984 (Supp. 84-4). Former Section R4-19-44 renumbered and amended as Section R4-19-403 effective February 21, 1986 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

**R4-19-404. Reinstatement or Issuance of License**

- A. A nurse whose license to practice nursing has been suspended for a period of time shall be reinstated at termination of the period of suspension only upon submission to and acceptance by the Board of documentation which evidences that the conditions of the order have been met. The license for a nurse who fails to provide such documentation shall remain suspended until such submission and acceptance.
- B. A nurse whose license to practice nursing has been denied or revoked in accordance with A.R.S. § 32-1663 may make application to the Board, after a period of five years subsequent to the date the license was revoked or last denied, for the issuance or reissuance of a license under the following terms and conditions:
  1. An application shall be submitted in writing, verified under oath, and shall contain therein or have attached thereto substantial evidence that the basis for denial or revocation has been removed and that the issuance of license will no longer constitute a threat to the public health or safety. The Board may require physical, psychological, or psychiatric evaluations, reports, and affidavits. These conditions shall be met before an application is considered.
  2. The Board shall consider the application and may designate a time for the applicant to appear at a regularly

- scheduled meeting of the Board so that evidence of qualification and competency to practice can be presented.
3. After reviewing the evidence and deliberating the matter, the Board may:
  - a. Grant the applicant a temporary permit to complete a specified period of supervised practice. On completion of the supervised practice period, the Board shall consider the evaluation of the applicant's performance and shall approve or deny the application or extend the period of supervised practice.
  - b. Deny the application. An applicant who is denied issuance or reissuance of a license shall have 10 days from the date of receipt of the notice of denial from the Board to file a request for hearing, in writing, with the Board. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

**Historical Note**

Former Section R4-19-30 renumbered and amended as Section R4-19-45 effective February 20, 1980 (Supp. 80-1). Former Section R4-19-45 renumbered as Section R4-19-404 (Supp. 86-1). Section repealed, new Section adopted effective July 19, 1995 (Supp. 95-3).

**R4-19-405. Repealed**

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-46 renumbered and amended as Section R4-19-405 effective February 21, 1986 (Supp. 86-1). Repealed effective July 19, 1995 (Supp. 95-3).

**ARTICLE 5. ADVANCED NURSING PRACTICE**

**R4-19-501. Specialty Areas of Registered Nurse Practitioners**

The Board shall approve a nurse practitioner education program that meets the standards in R4-19-502 and certify the following specialty areas for registered nurse practitioners:

1. Nurse midwife,
2. Pediatric nurse practitioner,
3. Family nurse practitioner,
4. Adult nurse practitioner,
5. Woman's health care nurse practitioner,
6. Neonatal nurse practitioner,
7. School nurse practitioner,
8. Psychiatric and mental health nurse practitioner,
9. Geriatric nurse practitioner, and
10. Acute-care nurse practitioner.

**Historical Note**

Former Section IV, Part I. Former Section R4-19-53 renumbered as Section R4-19-501 (Supp. 86-1). Former Section R4-19-501 renumbered to R4-19-502, new Section R4-19-501 adopted effective November 18, 1994 (Supp. 94-4). Amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 7 A.A.R. 3213, effective July 12, 2001 (Supp. 01-3).

**R4-19-502. Requirements for Courses of Study for Registered Nurse Practitioners**

- A. The Board shall approve a course of study for registered nurse practitioners in a specialty area only if the course of study complies with the following:
  1. The course of study is offered by or affiliated with a college or university accredited by the North Central Association of Colleges and Schools.
  2. The course of study is a formal educational program, beyond a diploma, associate degree, or baccalaureate degree in nursing, with a curriculum that is at least nine

months in length and includes theory and supervised clinical experience to prepare professional nurses to do the following:

- a. Assess the physical and psychosocial health status of individuals and families through health and developmental history taking and physical examination;
  - b. Evaluate the assessment data to make prospective decisions with other health professionals;
  - c. Institute and provide routine health care to patients;
  - d. Provide counseling and health teaching to patients and their families; and
  - e. Perform the acts described in R4-19-505.
3. The course of study has a preceptorship.
- B.** Each faculty member of a course of study for registered nurse practitioners shall meet the requirements established by an Arizona university or college for faculty membership and one of the following:
1. Current licensure as a professional nurse in Arizona, with a Master's Degree in a nursing or clinical specialty; or
  2. Current licensure as a physician in Arizona.

#### Historical Note

Former Section IV, Part II; Amended effective February 20, 1980 (Supp. 80-1). Former Section R4-19-54 repealed, new Section R4-19-54 adopted effective July 20, 1981 (Supp. 81-4). Former Section R4-19-54 renumbered as Section R4-19-502 (Supp. 86-1). Section repealed, new Section R4-19-502 renumbered from R4-19-501 and Section heading amended effective November 18, 1994 (Supp. 94-4). Section repealed, new Section R4-19-502 adopted effective November 25, 1996 (Supp. 96-4).

#### **R4-19-503. Application for Approval of Course of Study for Registered Nurse Practitioners; Approval by Board**

- A.** An educational institution proposing to offer a course of study to prepare professional nurses for certification in a specialty area for extended and advanced nursing practice shall submit a completed application to the Board on a form provided by the Board. The application shall contain the following information:
1. Specialty area of the registered nurse practitioner course of study,
  2. Name and address of the applicant institution,
  3. Discussion of the background development of the course of study,
  4. Statement of philosophy of the applicant institution,
  5. Statement of the purpose for the extended and advanced nursing practice course,
  6. Discussion of the community and state job market for registered nurse practitioners who complete the course of study,
  7. Description of the goals and objectives of the course of study,
  8. List of the core courses and any specialty courses included in the course of study and a description of each course,
  9. Designation of a proposed time schedule for implementation of the course of study,
  10. Designation of the total clock hours required of both instruction and supervised clinical practicum in the course of study,
  11. Description of the budgetary provisions for the course of study,
  12. List of the names and titles of persons responsible for the course of study,
  13. List of the names and titles of the faculty, and

14. Evidence of compliance with R4-19-502.

- B.** An applicant shall submit the following additional information with the application for approval of the course of study:
1. Copies of any studies, historical data, or other evidence of need for the course of study; and
  2. Qualifications of each faculty member.
- C.** The Board shall grant approval to a course of study to prepare professional nurses for certification in a specialty role for extended and advanced nursing practice if the course meets the requirements of this Article.
- D.** An educational institution that is denied approval of a course of study may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying its application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6 and 4 A.A.C. 19, Article 6.

#### Historical Note

Former Section IV, Part III; Amended effective Nov. 17, 1978 (Supp. 78-6). Amended effective February 20, 1980 (Supp. 80-1). Amended by adding subsection (F) effective July 20, 1981 (Supp. 81-4). Amended by adding subsection (G) effective September 15, 1982 (Supp. 82-5). Former Section R4-19-55 renumbered as Section R4-19-503 (Supp. 86-1). Former Section R4-19-503 repealed, new Section adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-503 renumbered to Section R4-19-504; new Section R4-19-503 adopted effective November 25, 1996 (Supp. 86-1).

#### **R4-19-504. Requirements for Registered Nurse Practitioner Certification**

- A.** An applicant for certification as a registered nurse practitioner shall:
1. Hold a current license in good standing to practice as a professional nurse in Arizona; and
  2. Submit to the Board:
    - a. A notarized application furnished by the Board which provides the following information:
      - i. The applicant's full name and any former names used by the applicant;
      - ii. The applicant's current mailing address and telephone number;
      - iii. The applicant's professional nurse license number;
      - iv. A description of the applicant's educational background, including the name and location of schools attended, the number of years attended, the date of graduation, and the type of degree or certificate awarded;
      - v. The specialty area for which the applicant wishes to be certified;
      - vi. The applicant's current employer, including address, type of position, and dates of employment;
      - vii. Whether the applicant has taken and passed a national certification examination, and the name of the certifying organization, specialty area, certification number, and date of certification;
      - viii. Whether the applicant has ever had a nursing license denied, suspended, or revoked, and an explanation of any license denial, suspension, or revocation;
      - ix. Whether a disciplinary action, consent order, or settlement agreement has been imposed upon the applicant, and an explanation of any disci-

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- plinary action, consent order, or settlement agreement; and
- x. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
  - b. An official transcript and a copy of a certificate or official letter received from a course of study verifying completion of a registered nurse practitioner course of study in an approved registered nurse practitioner program, or a regionally accredited college or university, which was of at least nine months in length and included theory and clinical experience to prepare the applicant as a registered nurse practitioner;
  - c. If the course of study is not an approved program or provided by a regionally accredited college or university; an official transcript, a copy of a certificate, or official letter received from a registered nurse practitioner program which shows that the program was:
    - i. At least nine months in length, and
    - ii. Included theory and clinical experience to prepare the applicant as a registered nurse practitioner, which program the Board determines to be substantially equivalent to an approved program.
  - d. If a nurse midwife, evidence of current certification or recertification from the American College of Nurse Midwives or its Certification Council; and
  - e. The prescribed fee.
- B.** An applicant for certification as a registered nurse practitioner on or after January 1, 2001, shall have a master of science degree in nursing or a masters degree in a health-related area. The Board shall continue to certify a registered nurse practitioner without the masters degree required by this Section who was certified prior to January 1, 2001, if the registered nurse practitioner:
1. Maintains a current license in good standing to practice as a professional nurse in Arizona,
  2. Qualifies for certification by endorsement, or
  3. Maintains a current license in good standing to practice as a professional nurse outside the United States and qualifies as a registered nurse practitioner under subsection (A).
- C.** The Board shall issue a certificate to practice as a registered nurse practitioner in a specialty area to a professional nurse who meets the criteria set forth in this Section. An applicant who is denied a certificate may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective February 20, 1980 (Supp. 80-1). Former Section R4-19-56 repealed, new Section R4-19-56 adopted effective July 16, 1984 (Supp. 84-4). Former Section R4-19-56 renumbered as Section R4-19-504 (Supp. 86-1). Former Section R4-19-504 renumbered to R4-19-505, new Section R4-19-504 adopted effective November 18, 1994 (Supp. 94-4). Former Section R4-19-504 renumbered to Section R4-10-505; new Section R4-19-504 renumbered from R4-19-503 and amended effective November 25, 1996 (Supp. 96-4). Amended effective January 10, 1997 (Supp. 97-1). Amended by final rulemaking at 5 A.A.R. 3911, effective September 28, 1999 (Supp. 99-3).

**R4-19-505. Scope of Practice of a Registered Nurse Practitioner**

In addition to the scope of practice permitted a professional nurse, an RNP may perform the following acts in collaboration with a physician:

1. Examine a patient and establish a medical diagnosis by client history, physical examination, and other criteria;
2. Admit a patient into a health care facility;
3. Order, perform, and interpret laboratory, radiographic, and other diagnostic tests;
4. Identify, develop, implement, and evaluate a plan of care for a patient to promote, maintain, and restore health;
5. If authorized under R4-19-507, prescribe and dispense medication; and
6. Refer to and consult with appropriate health care professionals.

**Historical Note**

Adopted effective February 25, 1987 (Supp. 87-1). Former Section R4-19-505 renumbered to R4-19-506, new Section R4-19-505 renumbered from R4-19-504 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-505 repealed, new Section R4-19-505 renumbered from R4-19-504 and amended effective November 25, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4).

**R4-19-506. Use of Title of Registered Nurse Practitioner**

A nurse shall not practice as a registered nurse practitioner in a specialty area or use any words or letters to indicate the nurse is a registered nurse practitioner unless certified as a registered nurse practitioner by the Board.

**Historical Note**

Section R4-19-506 renumbered from R4-19-505 effective November 18, 1994 (Supp. 94-4). Former Section R4-19-506 renumbered to R4-19-510, new Section R4-19-506 adopted effective November 25, 1996 (Supp. 96-4).

**R4-19-507. Prescribing and Dispensing Authority**

**A.** The Board shall authorize an RNP to prescribe and dispense medication within the RNP's scope of practice only if the RNP:

1. Is a professional nurse currently licensed in Arizona in good standing and authorized by the Board to practice within a specialty area identified in R4-19-501;
2. Submits a completed, notarized application on a form provided by the Board containing the following information:
  - a. Name, address, and home phone number;
  - b. Professional nurse license number;
  - c. Nurse practitioner specialty;
  - d. Certification number;
  - e. Business address and phone number;
  - f. Length of time that applicant has practiced as an RNP and whether full or part time;
  - g. If a faculty member, the number of hours of direct patient contact during the year preceding the date of application;
  - h. Chronological listing of continuing education obtained by the applicant in pharmacology or clinical management of drug therapy or both in the last two years;
  - i. Whether the applicant intends to apply for a DEA number to prescribe controlled substances;
  - j. Authority for which the applicant is applying; and
  - k. Applicant's sworn statement verifying the truthfulness of the information provided.

3. Submits evidence of completion of a minimum of 45 contact hours of education in pharmacology or clinical management of drug therapy or both:
  - a. An applicant shall complete:
    - i. At least six of the 45 hours in the 12-month period immediately prior to the application date; and
    - ii. All 45 hours within the two-year period before the application date.
  - b. One-half (22 hours) of the required contact hours may be from mediated instruction and self study.
  - c. If documented, contact hours may consist of hours of the initial presentations of an RNP who leads, instructs, or lectures to groups of health professionals on pharmacy-related topics in continuing education activities.
  - d. An RNP whose primary responsibility is the education of health professionals does not earn contact hours for time expended on normal teaching duties within a learning institution.
- B. An applicant who is denied medication P & D authority may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for P & D authority. Board hearings shall comply with 41 A.R.S. 6, Article 10, and 4 A.A.C. 19, Article 6.
- C. An RNP with P & D authority may:
  1. Prescribe medications, medical devices, and appliances;
  2. Provide for refill of prescription-only medications for one year from the date of the prescription.
- D. An RNP with P & D authority who wishes to prescribe a controlled substance shall apply to the DEA to obtain a DEA registration number before prescribing a controlled substance. The RNP shall file the DEA registration number with the Board.
- E. An RNP with a DEA registration number may prescribe a Class II controlled substance as defined in the Federal Controlled Substance Act, 21 U.S.C. § 801 et seq., or Arizona's Uniform Controlled Substance Act, 36 A.R.S. 27, but shall not prescribe refills of the prescription.
- F. An RNP with a DEA registration number may prescribe a Class III or IV controlled substance, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, and may prescribe a maximum of five refills in six months.
- G. An RNP with a DEA registration number may prescribe a Class V controlled substance, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substance Act, and may prescribe refills for a maximum of one year.
- H. An RNP with P & D authority shall ensure that all prescription orders contain the following:
  1. The RNP's name, address, phone number, and specialty area;
  2. The prescription date;
  3. The name and address of the patient;
  4. The full name, strength, dosage form, and directions for use;
  5. Two signature lines for the prescriber with "dispense as written" under the left signature line and "substitution permissible" under the right; and
  6. The DEA registration number, if applicable.
- I. The Board of Nursing shall annually send a list of registered nurse practitioners with P & D authority to the Board of Pharmacy, the Board of Medical Examiners, and the Board of Osteopathic Examiners in Medicine and Surgery.
- J. An RNP shall not prescribe or dispense medications without prior Board authority. The Board may impose a civil penalty for each violation, suspend the RNP's P & D authority, and impose other sanctions under A.R.S. § 32-1606(C). In determining the appropriate sanction, the Board shall consider factors such as the number of violations, the severity of the violation, and the potential or existence of patient harm.

#### Historical Note

Adopted effective November 25, 1996 (Supp. 96-4).  
Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4).

#### R4-19-508. Dispensing of Medications

- A. Before dispensing a medication, an RNP with P & D authority shall give a patient a written prescription with the following statement in bold type: "THIS PRESCRIPTION MAY BE FILLED BY THE REGISTERED NURSE PRACTITIONER OR BY A PHARMACY OF YOUR CHOICE."
- B. An RNP with P & D authority may dispense medications, medical devices, and appliances. An RNP with P & D authority may dispense samples of medications packaged for individual use by licensed manufacturers or repackagers of medication without a prescription order.
- C. An RNP with P & D authority shall dispense all medication with the following information:
  1. The dispensing RNP's name, address, phone number, and specialty area;
  2. The date the medication is dispensed;
  3. The patient's name and address;
  4. The name and strength of the medication, manufacturer's name, quantity in the container, directions for its use, any cautionary statements; and
  5. The prescription order number.
- D. In all outpatient settings and at the time of hospital discharge, an RNP with P & D authority shall personally provide to the patient or the patient's representative, directions for use, name of prescribed medication, and any special instructions, precautions, or storage requirements when any of the following occurs:
  1. A new prescribed medication is dispensed to a patient or a new prescription number is assigned to a previously-dispensed medication;
  2. A prescription medication has not been previously dispensed to the patient in the same strength or dosage form, or directions for a prescription medication have been changed;
  3. In the RNP's professional judgment, these instructions are warranted; or
  4. The patient or patient's representative requests instruction.
- E. An RNP with P & D authority shall enter into the patient's medical record:
  1. The name and strength of the medication dispensed;
  2. The date the medication is dispensed; and
  3. The therapeutic reason for the medication.
- F. An RNP with P & D authority shall obtain medication only from a pharmacy, manufacturer, wholesaler, or distributor.
- G. An RNP with P & D authority shall:
  1. Keep all medication in a locked cabinet or room;
  2. Control access to the cabinet or room by a written procedure; and
  3. Maintain a current inventory of the contents of the cabinet or room.
- H. An RNP with P & D authority shall preserve all original prescription orders dispensed for a minimum of three years. The RNP shall make the original prescription orders available at all

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times for inspection by the Board of Nursing, the Board of Pharmacy, and law enforcement officers in performance of their duties.

- I. An RNP shall, if dispensing a controlled substance, maintain an inventory and record of:
  - 1. A Schedule II controlled substance, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, separately from all other records, and a prescription for a Schedule II controlled substance in a separate prescription file; and
  - 2. A Schedule III, IV, and V controlled substance, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, either separately from all other records or in a form that the information required is readily retrievable from ordinary business records. A prescription for these substances shall be maintained either in a prescription file for Schedule III, IV, and V controlled substances only or in a form that is readily retrievable from other prescription records. A prescription is readily retrievable if, at the time it is initially filed, the face of the prescription is stamped in red ink in the lower-right corner with the letter "C" no less than one inch high and filed either in the prescription file for a Schedule II controlled substance or in the usual consecutively-numbered prescription file for a non-controlled substance.
- J. An RNP with P & D authority shall record the following information on the back of each prescription order when the prescription order is refilled:
  - 1. Date refilled,
  - 2. Quantity dispensed, and
  - 3. RNP's name or identifiable initials. By initialing and dating the back of the prescription order, the RNP dispenses a refill for the full amount of the original prescription order.
- K. An RNP with P & D authority shall comply with all applicable laws and rules in prescribing, administering, and dispensing a medication or controlled substance, including compliance with labeling requirements of 32 A.R.S. 18.
- L. Under the supervision of an RNP with P & D authority, licensed or unlicensed personnel may assist the RNP in the following:
  - 1. Receiving a request for refilling a prescription medication by prescription order number;
  - 2. Accepting a verbal refill authorization from the RNP; and
  - 3. Recording a verbal refill authorization on the back of the original prescription form and in the patient's medical record with:
    - a. The RNP's name;
    - b. Date of refill;
    - c. Name and quantity of medication; and
  - 4. Typing and affixing labels for prescription medications.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4).  
Amended by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4)

**R4-19-509. Repealed****Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4). Section repealed by final rulemaking at 5 A.A.R. 4300, effective October 18, 1999 (Supp. 99-4).

**R4-19-510. Expired****Historical Note**

Section renumbered from R4-19-506 and amended effective

November 25, 1996 (Supp. 96-4). Section repealed made by final rulemaking at 10 A.A.R. 792, effective April 3, 2004 (Supp. 04-1).

**R4-19-511. Requirements for Clinical Nurse Specialist Certification**

- A. An applicant for certification as a clinical nurse specialist shall:
  - 1. Hold a current license in good standing to practice as a professional nurse in Arizona;
  - 2. Have a master of science degree in nursing or a master's degree with specialization in a clinical area of nursing practice;
  - 3. Have evidence of current certification by a national nursing credentialing agency in a clinical area of nursing practice;
  - 4. Submit to the Board:
    - a. A notarized application furnished by the Board which provides the following information:
      - i. The applicant's full name and any former names used by the applicant;
      - ii. The applicant's current home and business address and phone numbers;
      - iii. The applicant's professional nurse license number;
      - iv. A description of the applicant's educational background, including the name and location of schools attended, the number of years attended, the date of graduation, and the type of degrees or certificates awarded;
      - v. The applicant's current employer, including address, type of position, and dates of employment;
      - vi. A description of the applicant's national certification including the name of the national certification examination, name of the certifying organization, specialty area, certification number, and date of certification;
      - vii. Whether the applicant has ever had a nursing license denied, suspended, or revoked, and an explanation of any license denial, suspension, or revocation;
      - viii. Whether a disciplinary action, consent order, or settlement agreement has been imposed upon the applicant and an explanation of any disciplinary action, consent order, or settlement agreement; and
      - ix. A sworn statement by the applicant verifying the truthfulness of the information by the applicant.
    - b. An official transcript and a copy of a letter received from the education program verifying completion of the requirement in R4-19-511(A)(2).
- B. The Board shall issue a certificate to practice as a clinical nurse specialist to a professional nurse who meets the criteria set forth in this Section. An applicant who is denied a certificate may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for a certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6, and 4 A.A.C. 19, Article 6.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4).

**R4-19-512. Scope of Practice of the Clinical Nurse Specialist**

In addition to the functions of the professional nurse, a clinical nurse specialist, being an expert in a specialty area of clinical nursing practice, may perform the following:

1. Comprehensive assessment, analysis, and evaluation of individuals, families, communities, or any combination of individuals, families, and communities, with complex health needs within an area of specialization;
2. Direct patient care as an advanced clinician within the clinical nurse specialist's specialty area and develop, implement, and evaluate treatment plans within that specialty;
3. Consulting with the public and professionals in health care, business, and industry in the areas of research, case management, education, and administration; and,
4. Psychotherapy, by clinical nurse specialists with expertise in adult, or child and adolescent psychiatric and mental health nursing.

**Historical Note**

Adopted effective November 25, 1996 (Supp. 96-4).

**R4-19-513. Prescribing Authority of a Certified Registered Nurse Anesthetist**

A. The Board shall authorize a CRNA to prescribe medication, meaning to order drugs or medication for administration to a patient, only if in the best interest of the public and the CRNA meets the following requirements:

1. Current licensure as a professional nurse in Arizona in good standing;
2. Graduation from an educational program accredited by the American Association of Nurse Anesthetists' Council on Accreditation of Nurse Anesthesia Educational Programs or a predecessor and that has the objective of preparing a nurse to practice nurse anesthesia;
3. Initial certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists and recertification, as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;
4. Submission of a completed application form provided by the Board and an application packet that includes the following information and documentation:
  - a. Name, address, and phone number;
  - b. Professional nurse license number;
  - c. Certification number;
  - d. Business address and phone number;
  - e. Documentation verifying current certification by the American Association of Nurse Anesthetists' Council on Certification of Nurse Anesthetists, or as applicable, by the American Association of Nurse Anesthetists' Council on Recertification of Nurse Anesthetists;
  - f. Response to questions addressing the following subjects:
    - i. Prior disciplinary action;
    - ii. Pending investigation or disciplinary action;
    - iii. Pending criminal charges;
    - iv. Prior misdemeanor or undesignated offense conviction;
    - v. Prior felony conviction and date of absolute discharge of sentence;
    - vi. Use of a chemical substance; and
    - vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession;

- g. Applicant's sworn statement verifying the truthfulness of the information provided; and
- h. Applicable fees.

- B. An applicant denied medication prescribing authority may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for prescribing authority. Board hearings shall comply with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.
- C. A CRNA granted prescribing authority may prescribe drugs or medication to be administered by a licensed, certified or registered health care provider pre-operatively, post-operatively, or as part of a procedure performed in a health care facility; the office of a health care provider licensed pursuant to A.R.S. Title 32, Chapters 7, 11, 13, and 17; or in an ambulance.
- D. A CRNA with prescribing authority shall ensure that all prescription orders contain the following:
  1. The CRNA's name;
  2. The prescription date;
  3. The name of the patient and patient identification number; and
  4. The name of the medication, strength, dosage, and route of administration.

**Historical Note**

Section adopted by final rulemaking at 6 A.A.R. 335, effective December 20, 1999 (Supp. 99-4).

**ARTICLE 6. RULES OF PRACTICE AND PROCEDURE****R4-19-601. Administrative Hearings**

- A. If the Board denies a license or certificate, the applicant for the license or certificate may obtain an administrative hearing by complying with A.R.S. § 41-1092.03.
- B. If the Board serves a licensee or certificate holder with a disciplinary action notice under A.R.S. § 32-1663(G), the licensee or certificate holder may obtain an administrative hearing by submitting to the Board a written request that contains the following information:
  1. The person's identity, and
  2. The reason for the hearing.
- C. If it is unable to take action under subsection (A) or (B) because they are not applicable, and the Board determines that there are reasonable grounds to support a charge that the licensee, certificate holder, nursing program, or nursing assistant training program has violated one or more of the Board's statutes or rules, the Board shall schedule and serve notice of an administrative hearing under A.R.S. §§ 32-1664(H) and 41-1092.05.
- D. The Board, or an administrative law judge, as defined in A.R.S. § 41-1092 shall conduct administrative hearings.
- E. A party named in a notice of hearing shall file a response as required by A.R.S. § 32-1664 and R4-19-604.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 618, effective December 31, 2001 (Supp. 02-1). Section R4-19-601 renumbered from R4-19-602 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-602. Letter of Concern**

A letter of concern issued by the Board is not an appealable agency action as defined in A.R.S. § 41-1092.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-602 renumbered to R4-19-601; new Sec-

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tion R4-19-602 made by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-603. Representation**

Any person subject to a hearing may participate in the hearing and may be represented by legal counsel. The Board shall not pay for the person's legal counsel.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-603 repealed; new Section R4-19-603 renumbered from R4-19-604 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-604. Notice of Hearing; Response**

- A. The Board, in consultation with the Office of Administrative Hearings, as necessary shall prepare and serve a written notice of hearing on all parties under A.R.S. § 41-1092.05.
- B. In addition to the notice requirements in A.R.S. § 41-1092.05(D), the Board shall include the following in the notice:
  1. The full name, address, and license number, if any, of the licensee, certificate holder, program, or applicant;
  2. The name, mailing address, and telephone number of the Board's executive director or Board designee if the hearing is to be conducted by the Board;
  3. A statement that a hearing will proceed without a party's presence if a party fails to attend or participate in the hearing;
  4. The names and mailing addresses of persons to whom notice is being given, including the Attorney General representing the state at the hearing; and
  5. Any other matters relevant to the proceedings.
- C. The party named in the notice of hearing shall file a written response under A.R.S. § 32-1664 within 30 days after service of the notice of hearing. The response shall contain:
  1. The party's name, address, and telephone number;
  2. Whether the party has legal representation and, if so, the name and address of the attorney;
  3. A response to the allegations contained in the notice of hearing; and
  4. Any other matters relevant to the proceedings.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-604 renumbered to R4-19-603; new Section R4-19-604 renumbered from R4-19-605 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-605. Docket**

The Board shall maintain a docket of all proceedings and shall assign each proceeding a docket number.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-605 renumbered to R4-19-604; new Section R4-19-605 renumbered from R4-19-606 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-606. Record of Hearings**

The Board shall:

1. Maintain a complete and separate record containing all documents and exhibits filed in connection with each hearing; and
2. Make the record available to the public, upon request, during regular business hours except for those records that are confidential by law.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-606 renumbered to R4-19-605; new Section R4-19-606 renumbered from R4-19-607 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-607. Recommended Decision**

The Administrative Law Judge who conducts the hearing shall make a recommended decision under A.R.S. § 41-1092.08. The Board shall immediately transmit a copy of the recommended decision to each party. Each party may file a memorandum of objections for consideration at the next Board meeting that contains the reasons why the recommended decision is in error or requires correction, and includes appropriate citations to the record, statutes, or rules in support of each objection.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-607 renumbered to R4-19-606; new Section R4-19-607 renumbered from R4-19-612 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-608. Rehearing or Review of Decision**

- A. A party may file a motion for rehearing or review of a decision under A.R.S. §§ 41-1092.09 and 32-1665.
- B. The Board may grant a rehearing or review of the decision for any of the following causes materially affecting the moving party's rights:
  1. Irregularity in the administrative proceedings of the Board or the administrative law judge, or any order, or abuse of discretion, which deprived the moving party of a fair hearing;
  2. Misconduct of the Board, the administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
  5. Excessive or insufficient penalties;
  6. Error in the admission or exclusion of evidence or other errors of law occurring during the pendency of the proceeding or at the administrative hearing; or
  7. The decision is not justified by the evidence or is contrary to law.
- C. Upon the Board's receipt of a motion for rehearing or review, the Board may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (B). An order granting a rehearing shall specify with particularity the grounds for the order. Any rehearing shall cover only those specified matters.
- D. Within the time limits of A.R.S. § 41-1092.09, the Board may order a rehearing or review on its own initiative for any of the reasons in subsection (B). The Board shall specify the grounds for the rehearing or review in the order.
- E. When a motion for rehearing is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days of such service, serve opposing affidavits.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-608 renumbered from R4-19-614 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-609. Effectiveness of Orders**

- A. Except as provided in subsection (B), a decision is final upon expiration of the time for filing a request for rehearing or review or upon denial of such a request, whichever is later. If the Board grants a rehearing or review, the decision is stayed until another order is issued.
- B. If it finds that the public health, safety, or welfare imperatively requires emergency action, the Board may proceed under A.R.S. § 41-1092.11(B), ordering summary suspension of a license while other proceedings are pending. If the Board orders a summary suspension, a party shall exhaust the party's administrative remedies by filing a motion for rehearing or review under A.R.S. § 41-1092.09(B) before seeking judicial review of the decision.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1). Section R4-19-609 renumbered from R4-19-615 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-610. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-611. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-612. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-607 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-613. Expired****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 491, effective December 31, 2001 (Supp. 02-1).

**R4-19-614. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-608 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-615. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Section renumbered to R4-19-609 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**ARTICLE 7. PUBLIC PARTICIPATION PROCEDURES****R4-19-701. Rulemaking Record; Directory of Substantive Policy Statements**

The Board shall place the official rulemaking record and directory of substantive policy statements in the office of the Board, where it may be reviewed any working day, Monday through Friday, from 8:00 a.m. until 5:00 p.m., except state holidays.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4).  
Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-702. Petition for Rulemaking; Review of Agency Practice or Substantive Policy Statement; Objection to Rule Based Upon Economic, Small Business, or Consumer Impact**

A person may petition the Board, requesting the making of a final rule, or a review of an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule under A.R.S. § 41-1033, or objecting to a rule under A.R.S. § 41-1056.01, by filing a petition which contains the following:

1. The name, current address, and telephone number of the person submitting the petition.
2. For the making of a new rule, the specific language of the proposed rule.
3. For amendment of a current rule, the Arizona Administrative Code (A.A.C.) Section number, the Section heading, and the specific language of the current rule, with any language to be deleted stricken through but legible, and any new language underlined.
4. For repeal of a current rule, the A.A.C. Section number and Section heading proposed for repeal.
5. The reasons the rule should be made, specifically stating in reference to an existing rule, why the rule is inadequate, unreasonable, unduly burdensome, or otherwise not acceptable. The petitioner may provide additional supporting information including:
  - a. Any statistical data or other justification, with clear references to attached exhibits;
  - b. An identification of any person or segment of the public that would be affected and how they would be affected; and
  - c. If the petitioner is a public agency, a summary of relevant issues raised in any public hearing, or written comments offered by the public.
6. For a review of an existing agency practice or substantive policy statement alleged to constitute a rule, the reasons the existing agency practice or substantive policy statement constitutes a rule and the proposed action requested of the Board.
7. For an objection to a rule based upon the economic, small business, or consumer impact, evidence that:
  - a. The actual economic, small business, or consumer impact significantly exceeded the impact estimated in the economic, small business, and consumer impact statement submitted during the making of the rule; or
  - b. The actual economic, small business, or consumer impact was not estimated in the economic, small business, and consumer impact statement submitted during the making of the rule and that actual impact imposes a significant burden on persons subject to the rule.
8. The signature of the person submitting the petition.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4).  
Amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-703. Oral Proceedings**

- A. The Board shall schedule an oral proceeding on all rulemakings and publish the notice as prescribed in A.R.S. § 41-1023. A Board member, the executive director, or a Board staff member shall serve as presiding officer at an oral proceeding.



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- B.** The Board shall record all oral proceedings either by an electronic recording device or stenographically, and any resulting cassette tapes or transcripts, registers, and all written comments received shall become part of the official record.
- C.** The presiding officer shall conduct an oral proceeding according to A.R.S. § 41-1023; and
1. Request each person in attendance register;
  2. Obtain the following information from any person who intends to speak:
    - a. Name and whether the person represents another;
    - b. Position with regard to the proposed rule; and
    - c. Approximate length of time needed to speak;
  3. Open the proceeding by identifying the subject matter of the rules under consideration and the purpose of the proceeding;
  4. Present the agenda;
  5. Ensure that a Board representative explains the background and general content of the proposed rules;
  6. Limit comments to a reasonable period, and prevent undue repetition of comments;
  7. Announce the address for written public comments and the date and time for the close of record; and
  8. Close the proceeding if there are no persons in attendance within 15 minutes after the posted meeting time.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-703 repealed; new Section R4-19-703 renumbered from R4-19-704 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-704. Petition for Altered Effective Date**

- A.** A person wishing to alter the effective date of a rule shall file a written petition that contains:
1. The name, current address, and telephone number of the person submitting the petition;
  2. Identification of the proposed rule;
  3. If the person is petitioning for an immediate effective date, a demonstration that the immediate date is necessary for one or more of the reasons in A.R.S. § 41-1032(A);
  4. If the person is petitioning for a later effective date, more than 60 days after filing of the rule, a demonstration under A.R.S. § 41-1032(B) that good cause exists for, and the public interest will not be harmed by, the later effective date; and
  5. The signature of the person submitting the petition.
- B.** The Board shall make a decision and notify the petitioner of the decision within 60 days of receipt of the petition.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-704 renumbered to R4-19-703; new Section R4-19-704 renumbered from R4-19-705 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-705. Written Criticism of an Existing Rule**

- A.** Any person may file with the Board a written criticism of an existing rule that contains:
1. The rule addressed, and
  2. The reason the existing rule is inadequate, unduly burdensome, unreasonable, or improper.
- B.** The Board shall acknowledge receipt of any criticism within 10 working days and shall place the criticism in the official record for review by the Board under A.R.S. § 41-1056.

**Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Former Section R4-19-705 renumbered to R4-19-704; new Section R4-19-705 renumbered from R4-19-706 and amended by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**R4-19-706. Renumbered****Historical Note**

Adopted effective October 10, 1996 (Supp. 96-4). Renumbered to R4-19-705 by final rulemaking at 9 A.A.R. 1288, effective June 3, 2003 (Supp. 03-2).

**ARTICLE 8. CERTIFIED NURSING ASSISTANTS****R4-19-801. Standards for Nursing Assistant Training Programs**

- A.** Organization and administration
1. A nursing assistant training program shall provide a description of the program that includes purpose, goals, and objectives, and meets federal, state, and if applicable, private postsecondary requirements. The program description must be consistent with the purpose, goals, and objectives of a parent institution, if any.
  2. A nursing assistant training program utilizing external clinical facilities shall have a written agreement between the program and each external clinical facility. The agreement shall define the rights and responsibilities of the program and the clinical facility, including agreements on the role and authority of the governing bodies of both the clinical facility and the program.
  3. A nursing assistant training program shall have written policies and procedures that are consistent with its parent institution, if any, and that meet federal, state, and if applicable, private postsecondary requirements. The program shall provide a regular schedule for the review of policies and procedures. The program policies and procedures shall include the following areas:
    - a. Student attendance;
    - b. Student grading, including program completion criteria;
    - c. Student record maintenance;
    - d. Student fees and financial aid;
    - e. Student rights and responsibilities; and
    - f. Student grievance.
- B.** Program coordinator and instructor qualifications and responsibilities
1. A program coordinator shall:
    - a. Hold a current, unencumbered, Arizona professional nurse license; and
    - b. Have two years of professional nursing experience with at least one year in a long-term care facility.
  2. A director of nursing in a long-term care facility-based program may assume the administrative responsibility and accountability of a program coordinator for a nursing assistant training program but shall not engage in classroom or clinical teaching in that program.
  3. A program coordinator's responsibilities include the following:
    - a. Planning, implementing, and evaluating the program;
    - b. Securing qualified instructors, if applicable;
    - c. Making available admission and program completion requirements in written form to students prior to admission to the program;
    - d. Coordinating classroom and clinical sites and activities;

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- e. Evaluating and supervising students and instructors; and
  - f. Providing documentation of program completion to a student within 10 days of program completion.
4. A program instructor shall:
- a. Hold a current, unencumbered, Arizona professional nurse license; and
  - b. Meet one of the following requirements:
    - i. Have completed a course in teaching adults,
    - ii. Have one year's experience in teaching adults, or
    - iii. Have one year's experience in supervising nursing assistants.
5. A program instructor's responsibilities for classroom and clinical instruction excluding hours spent in a preceptorship include the following:
- a. Participating in the planning of each learning experience,
  - b. Ensuring that course objectives are accomplished,
  - c. Requiring a grade of 75% or greater on all theoretical examinations,
  - d. Requiring a passing grade for satisfactory completion of all skills evaluations,
  - e. Ensuring that students do not perform activities for which they have not received instruction and in which they have not been found competent,
  - f. Supervising students giving care to clients in clinical areas,
  - g. Being present in the classroom at least 75% of the time, and
  - h. Supervising health care professionals who assist in providing program instruction.
6. A certified or licensed health care professional may assist the program instructor if the health care professional has one year of experience in the field of licensure or certification.
- C. Resources, ratio, services, and records**
- 1. A program shall provide a minimum instructor or professional nurse to student ratio of 1 to 10 for students caring directly for clients.
  - 2. A program shall plan and schedule clinical experiences according to the course curriculum.
    - a. The program shall include a clinical experience for each nursing assistant student.
    - b. The program shall ensure that nursing assistant students are identified and treated as students and not utilized as staff while the students are enrolled in a nursing assistant training program.
  - 3. A program shall provide instructional and educational materials adequate to meet the needs of the program, the number of students, and the instructional staff and shall include:
    - a. Current reference materials related to the level of the curriculum, and
    - b. Instructional tools and equipment for simulating patient care.
  - 4. A program shall maintain program records for three years that contain the following documentation:
    - a. Curriculum and course schedule,
    - b. Classroom and supervised clinical hours, and
    - c. Student participation in program evaluation.
  - 5. A program shall maintain student records for three years that contain the following:
    - a. Name and date of birth,
    - b. Skills checklist,
    - c. Attendance record,
    - d. Program examination score,
    - e. Copy of the documentation issued to a training program, indicating the number of curriculum hours satisfied by a preceptorship, if applicable; and
    - f. Copy of the documentation issued to a student upon successful completion of the training program, such as a certificate, transcript, or letter.
- D. Periodic evaluation**
- 1. A program shall permit the Board, or a state agency designated by the Board, to conduct an onsite scheduled evaluation for initial Board approval, as required by R4-19-803, and renewal of approval, as required by R4-19-804.
  - 2. For reasonable cause, a program shall permit the Board, or a state agency designated by the Board, to conduct an onsite unannounced evaluation of the program.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-802. Standardized Curriculum**

- A.** The standardized curriculum content for a nursing assistant training program shall include material that will provide a basic level of both knowledge and demonstrable skills for each student completing the program.
- B.** The standardized curriculum shall require a minimum number of 120 hours which can be met by one of the following:
- 1. An integrated curriculum of at least 120 hours of classroom and clinical instruction; or
  - 2. A curriculum of at least 80 hours of classroom and clinical instruction followed by a long-term care facility-based preceptorship consisting of as many hours as required to equal 120 hours or more of instruction. If a preceptorship takes place at a long-term care facility other than the facility where the nursing assistant training program is located, the long-term care facility where the preceptorship takes place shall provide documentation to the training program indicating the number of curriculum hours satisfied by the preceptorship.
- C.** The standardized curriculum shall include classroom and clinical instruction in the following:
- 1. Communication and interpersonal skills;
  - 2. Infection control;
  - 3. Safety and emergency procedures, including the Heimlich maneuver and cardiopulmonary resuscitation;
  - 4. Client independence;
  - 5. Client rights, such as the right to confidentiality, the right to privacy, and the right to be free from abuse, mistreatment, and neglect;
  - 6. The need to report abuse, mistreatment and neglect to appropriate staff;
  - 7. Basic nursing skills;
  - 8. Personal care skills;
  - 9. Individual client needs including age-specific mental health and social service needs;
  - 10. Care of the cognitively impaired client;
  - 11. Skills for basic restorative services, including body mechanics;
  - 12. Nursing team member skills; and
  - 13. Legal aspects of nursing assistant practice.
- D.** A program shall require that a student receive a minimum of 16 hours instruction in the subjects identified in subsections (C)(1) through (C)(6) prior to allowing a student to care for clients.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R.

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757, effective February 4, 2000 (Supp. 00-1).

**R4-19-803. Approval of Nursing Assistant Training Programs**

- A. An applicant for initial nursing assistant training program approval shall submit an application to the Board at least 90 days in advance of the expected program opening date.
- B. The application for initial program approval shall include the following:
  - 1. Name, address, and telephone number of program;
  - 2. Identity of program as a long-term care facility-based or other program;
  - 3. Name and qualifications of program coordinator;
  - 4. Name and qualifications of program instructors;
  - 5. Accreditation status of applicant, if any, including name of accrediting body and date of last review;
  - 6. Licensure status, if required, including name of licensing agency and the date of last review;
  - 7. Medicare certification status, if any;
  - 8. Evidence of compliance with R4-19-801 and R4-19-802, including the following:
    - a. Program description and implementation plan, including timelines;
    - b. Classroom facilities, equipment, and instructional tools available; and
    - c. Standardized curriculum.
  - 9. An affidavit executed by a program coordinator of a Medicare or Medicaid certified long-term care facility, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program.
- C. Following receipt and review of a complete application packet, the Board shall schedule an onsite evaluation of the program.
- D. A program shall not enroll students prior to receiving program approval.
- E. The Board shall grant initial approval to any applicant who meets the criteria set forth in R4-19-801 and R4-19-802 and if approval is in the best interest of the public. If the Board denies approval, an applicant may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-804. Renewal of Approval of Nursing Assistant Training Programs**

- A. A nursing assistant training program applying for renewal of approval shall submit an application packet to the Board prior to expiration of the current approval.
  - 1. The application packet shall include the following:
    - a. Changes in the program description since previous approval;
    - b. Names and qualifications of current faculty;
    - c. Changes in course curriculum since previous approval;
    - d. Number of classes held within the past two years;
    - e. Changes in resources, contracts, and clinical facilities in use since previous approval; and
    - f. Copy of current student program evaluation forms.
  - 2. Following receipt and review of a complete application packet, the Board shall schedule an onsite evaluation of the program.

- B. Following an onsite evaluation, the Board shall renew program approval for two years if a program meets the criteria set forth in R4-19-801 and R4-19-802 and if renewal is in the best interest of the public.
- C. If the Board denies approval, a program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-805. Deficiencies and Rescission of Program Approval, Voluntary Termination, and Reinstatement**

- A. Deficiencies and rescission of approval
  - 1. Upon determining that a nursing assistant training program does not comply with R4-19-801 or R4-19-802, the Board shall provide the program coordinator with a written notice of deficiency. The Board shall establish a reasonable period of time, based upon the number and severity of deficiencies, to correct the deficiencies. No period for correction of deficiencies shall exceed three months after the date of graduation of the next training class.
    - a. Within 10 days from the date of service of the notice of deficiency, the program coordinator shall file a plan of correction with the Board.
    - b. The program shall be subject to periodic evaluations by the Board during the period of correction to determine whether the program has corrected the deficiencies.
  - 2. The Board shall rescind the approval of a nursing assistant training program for any of the following reasons:
    - a. Failure to file a plan of correction with the Board within 10 days of service of a notice of deficiency.
    - b. Failure to comply with R4-19-801 or R4-19-802 within the time period set by the Board in the notice of deficiency;
    - c. Noncompliance with federal, state, or if applicable, private postsecondary requirements;
    - d. Failure to permit a scheduled or unannounced onsite evaluation authorized by subsection R4-19-801(D); or
    - e. Failure to conduct at least one program during a two-year period.
  - 3. A program that has its approval rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- B. Voluntary termination
  - 1. The program coordinator shall submit written notification to the Board when a decision is made to voluntarily terminate a nursing assistant training program.
  - 2. The program coordinator shall maintain the nursing assistant training program, including the instructors, until the last student is transferred or has completed the nursing assistant training program.
- C. Reinstatement
  - 1. Any nursing assistant training program that has its approval rescinded may apply for reinstatement of the program by meeting the requirements of R4-19-803.
  - 2. An application packet shall be submitted in writing and shall contain all of the information and documentation

required to be submitted in subsection R4-19-803(B). The application packet shall contain or have attached substantial evidence that the basis for rescission has been removed and that reinstatement of the program is in the best interest of the public.

3. The Board shall reinstate a nursing assistant training program that meets the requirements of R4-19-803. A program that is denied reinstatement may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying reinstatement. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

#### Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

#### R4-19-806. Nursing Assistant Certification by Examination

A. An applicant for certification by examination shall submit the following information and documentation to the Board:

1. An application packet that contains the following information or documentation:
    - a. Full name;
    - b. Current address, including county of residence, and telephone number;
    - c. Date of birth;
    - d. Social security number;
    - e. Educational background, including the names of educational institutions attended, dates of graduation, and degree received, if applicable;
    - f. Current employer, including address and telephone number, type of position, and dates of employment;
    - g. A listing of all states in which the applicant is or has been registered as a nursing assistant and the certificate number, if any;
    - h. Responses to questions addressing the following subjects:
      - i. Prior disciplinary action on a license or certificate authorizing practice in any occupation,
      - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate,
      - iii. Pending criminal charges,
      - iv. Prior misdemeanor or undesignated offense conviction,
      - v. Prior felony conviction and date of absolute discharge of sentence,
      - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession, and
      - vii. Prior civil judgment resulting from malpractice or negligence in connection with practice in a health care profession.
    - i. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
  2. Proof of satisfactory completion of a nursing assistant training program that meets the requirements of subsection (B), such as a certificate, transcript, or letter;
  3. One or more fingerprint cards, if required by A.R.S. § 32-1606; and
  4. Applicable fees.
- B. An applicant for certification as a nursing assistant shall meet both of the following:
1. Satisfactory completion of an approved training program in Arizona or a program in another state or territory of the

United States that meets the requirements of subsection R4-19-802(B).

2. Passing score on the written and manual skills examinations or a passing score on the written examination and proof of a valid nursing license or proof of graduation from an approved nursing program.
- C. An applicant who fails either the written or manual skills examination may retake the examination two additional times within two years from the date of completion of the nursing assistant training program.
- D. An applicant who fails either the written or manual skills examination three times or who does not pass an examination within the time period specified in subsection (C) shall repeat and satisfactorily complete a training program before being permitted to retake an examination.
- E. The Board shall certify an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- F. An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

#### Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

#### R4-19-807. Nursing Assistant Certification by Endorsement

- A. An applicant for nursing assistant certification by endorsement shall submit all of the information, documentation, and fees required in R4-19-806.
- B. An applicant for nursing assistant certification by endorsement shall meet the criteria in subsection R4-19-806(B)(1) and:
1. Be listed as active on a nursing assistant register or a substantially equivalent register by another state or territory of the United States; and
  2. Meet one of the following:
    - a. Currently is working in nursing, performing nursing-related activities, or working in the job description of a certified nursing assistant;
    - b. Has worked in nursing, performed nursing-related activities, or worked in the job description of a nursing assistant within the past two years; or
    - c. Has completed a nursing assistant training program and passed the required examination within the past two years.
- C. The Board shall certify an applicant who meets the criteria in this Article if certification is in the best interest of the public.
- D. An applicant who is denied nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.

#### Historical Note

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

#### R4-19-808. Temporary Certificate

- A. Subject to subsection (B), the Board shall issue a temporary nursing assistant certificate to an applicant who desires to work as a certified nursing assistant if:
1. The Board receives a report from the Arizona Department of Public Safety which verifies that it has no criminal history record information, as defined in A.R.S. § 41-1701, relating to the applicant; and

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2. The applicant:
  - a. Submits to the Board an application for a temporary nursing assistant certificate with the fee required under A.R.S. § 32-1643(A)(9); and
  - b. Is qualified for certification by endorsement under A.R.S. § 32-1648 and R4-19-807 and submits documentation or an official statement from another state or territory of the United States verifying that the applicant has a current certificate or equivalent document from that state or territory; or
  - c. Is qualified for certification by examination under A.R.S. § 32-1645 and R4-19-806.
- B. An applicant who discloses a disciplinary charge or substantiated complaint, criminal conviction, chemical dependency, pending disciplinary charge or substantiated complaint by a regulatory agency, or malpractice claim is not eligible for a temporary certificate without prior Board approval.
- C. Unless extended for good cause under subsection (D), a temporary certificate is valid for six months.
- D. A temporary certificate holder may apply and the Board or the Executive Director shall grant an extension for good cause. Good cause means reasons beyond the control of the temporary certificate holder, such as unanticipated delays in obtaining information required for nursing assistant certification.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1). Amended by final rulemaking at 8 A.A.R. 5004, effective November 15, 2002 (Supp. 02-4).

**R4-19-809. Nursing Assistant Renewal**

- A. A certified nursing assistant applying for renewal of certification shall submit an application packet to the Board on or before the expiration date of certification.
  1. The application packet shall include the following:
    - a. Full name;
    - b. Current address, including county of residence, and telephone number;
    - c. Date of birth;
    - d. Current employer;
    - e. Whether the applicant, if not employed in nursing, performing nursing related activities, or working in the job description of a certified nursing assistant, has completed a Board approved nursing assistant training program and passed the written and manual skills examinations within the past two years;
    - f. Responses to questions addressing the following subjects:
      - i. Disciplinary action on a license or certificate authorizing practice in any occupation since certified or last renewed,
      - ii. Pending investigation or disciplinary action on a nursing license or nursing assistant certificate since certified or last renewed,
      - iii. Pending criminal charges since certified or last renewed,
      - iv. Misdemeanor or undesignated offense conviction since certified or last renewed,
      - v. Felony conviction and date of absolute discharge of sentence since certified or last renewed,
      - vi. Use of chemical substances in a way that may limit the ability to practice in a health care profession since certified or last renewed, and
      - vii. Civil judgment resulting from malpractice or negligence in connection with practice in a

- health care profession since certified or last renewed.
- g. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant.
2. Documentation of proof of employment, such as a pay stub, W-2 form, or letter from an employer that validates the applicant's employment as a nursing assistant or the applicant's performance of nursing related activities within the past two years, and
3. Applicable fees.
- B. The certificate of a nursing assistant who fails to renew shall expire on the certificate holder's birthdate.
  1. A nursing assistant's responsibility to renew is not relieved by the nursing assistant's failure to obtain an application.
  2. A nursing assistant who fails to renew shall not work as a certified nursing assistant.
  3. The Board shall impose a late fee on any nursing assistant who fails to renew certification in a timely manner.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-810. Nursing Assistant Register**

- A. The Register shall include the following information for each individual who has successfully completed a Board-approved nursing assistant training program:
  1. Full name and any other names used;
  2. Home address;
  3. County of residence;
  4. Date of birth;
  5. Social security number;
  6. The date of initial placement on the register;
  7. Dates and results of written and manual skills examinations;
  8. Date of expiration of current certificate, if applicable;
  9. Existence of pending investigation, if applicable; and
  10. Status of certificate, such as active, denied, expired, or revoked, if applicable.
- B. The Register shall include the following information for each individual who has been disciplined by the Board or sanctioned by the United States Department of Health and Human Services or the Arizona Department of Health Services:
  1. Disciplinary action by the Board:
    - a. Type of action, and
    - b. Date of action.
  2. Sanctions by the United States Department of Health and Human Services:
    - a. Date excluded,
    - b. Nature of exclusion, and
    - c. Length of exclusion.
  3. Complaints substantiated by the Arizona Department of Health Services under the Omnibus Reconciliation Act, 42 CFR § 483.150 et seq.:
    - a. Documentation of investigation,
      - i. Nature of allegation, and
      - ii. Evidence supporting allegation;
    - b. Date of hearing, if any, or date complaint substantiated; and
    - c. Statement disputing the allegation, if any.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-811. Application for Duplicate Certificate**

- A. A certified nursing assistant shall report a lost or stolen certificate to the Board within 30 days of discovery of the loss.
- B. A certified nursing assistant shall make a written request for a duplicate certificate to the Board, provide a notarized signature or proof of identification, and pay the applicable fee.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-812. Change of Name or Address**

- A. A certified nursing assistant, who has legally changed the nursing assistant's name, shall notify the Board in writing within 30 days of the name change. The nursing assistant shall submit a copy of the official document evidencing the name change.
- B. A certified nursing assistant shall notify the Board within 30 days of any address change.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-813. Performance of Nursing Assistant Tasks**

- A. A nursing assistant may perform the following:
  - 1. Tasks for which the nursing assistant has been trained through a basic curriculum as identified in R4-19-802, and
  - 2. Tasks learned through inservice or educational training if the task meets the following criteria and the nursing assistant has demonstrated competence:
    - a. The task can be safely performed according to clear, exact, and unchanging directions;
    - b. The task poses minimal risk for the client and the consequences of performing the task improperly are not life-threatening;
    - c. The results of the task are reasonably predictable; and
    - d. Assessment, interpretation, or decision-making is not required during the performance or at the completion of the task.
- B. A nursing assistant may not perform any task requiring judgment based on nursing knowledge, such as the administration of medications.
- C. A nursing assistant who accepts a client assignment is responsible for the following:
  - 1. Recognizing the nursing assistant's personal knowledge, skills, and abilities;
  - 2. Recognizing the legal aspects of nursing assistant practice;
  - 3. Informing the nurse or person authorized to delegate the task about the nursing assistant's ability to perform the assigned task prior to accepting the assignment;
  - 4. Accepting delegation, instruction, and supervision from the professional or practical nurse or the person authorized to delegate the task;
  - 5. Acknowledging accountability for personal actions in completing the assignment accepted;
  - 6. Following the client's plan of care, if available;
  - 7. Observing, reporting, and recording signs, symptoms, and changes in the client's condition in an ongoing and timely manner; and
  - 8. Retaining responsibility for the assigned task without delegating it to another person.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-814. Standards of Conduct for Nursing Assistants**

For purposes of A.R.S. § 32-1601, a practice that is or might be harmful or dangerous to the health of a patient or the public includes the following:

1. Leaving an assignment or abandoning a client requiring immediate care without properly notifying appropriate supervisory personnel;
2. Failing to document care and treatment provided to clients;
3. Failing to follow an employer's policies and procedures designed to safeguard the client;
4. Failing to take action to protect a client whose safety or welfare is at risk from potential or actual incompetent health care practice, or to report the practice to the appropriate authorities;
5. Failing to report signs, symptoms, and changes in client conditions to the appropriate individual in an ongoing and timely manner;
6. Failing to respect client rights and dignity;
7. Violating a client's right of privacy, disclosing confidential information, or knowledge concerning a client, unless required by law to disclose the information;
8. Neglecting or abusing a client physically, verbally, emotionally, or financially;
9. Engaging in sexual misconduct or boundary violations with a client;
10. Soliciting, borrowing, or removing property or money from a client, a client's family, a client's residence, or employer;
11. Using or being under the influence of alcoholic beverages, intoxicants, over-the-counter drugs, prescription drugs, or controlled drugs to the extent that judgment may be impaired and practice detrimentally affected while on duty in any work setting;
12. Assuming client care tasks for which the nursing assistant lacks the education or competence to perform;
13. Removing without authorization narcotics, drugs, supplies, equipment, or medical records from any work setting;
14. Obtaining, possessing, using, or selling any narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any employer;
15. Permitting or assisting another person to use the nursing assistant's certificate for any purpose;
16. Making untruthful or misleading statements to advertise the individual's practice as a certified nursing assistant;
17. Threatening, harassing, or exploiting an individual;
18. Using violent or abusive behavior in any work setting;
19. Failing to cooperate with the Board during an investigation;
20. Failing to cooperate with the Board by not responding to a Board subpoena; and
21. Practicing in any other manner that gives the Board reasonable cause to believe that the health of a client or the public may be harmed.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).

**R4-19-815. Reinstatement or Issuance of a Nursing Assistant Certificate**

An applicant whose application is denied or a nursing assistant whose certificate is revoked in accordance with A.R.S. § 32-1663, may reapply to the Board after a period of five years from the date the certificate or application is revoked or denied. A nursing assis-

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tant who voluntarily surrenders a nursing assistant certificate may reapply to the Board after no less than three years from the date the certificate is surrendered. The Board shall issue or reinstate a nursing assistant certificate under the following terms and conditions:

1. An applicant shall submit documentation showing that the basis for denial, revocation or voluntary surrender has been removed and that the issuance or reinstatement of nursing assistant certification will no longer constitute a threat to the public health or safety. The Board may require an applicant to be tested for competency, or retake and successfully complete a Board approved training program and pass the required examination.
2. The Board shall consider the application and may designate a time for the applicant to address the Board at a regularly scheduled meeting.
3. After considering the application, the Board may:
  - a. Grant nursing assistant certification, or
  - b. Deny the application.
4. An applicant who is denied issuance or reinstatement of nursing assistant certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying issuance or reinstatement of nursing assistant certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 757, effective February 4, 2000 (Supp. 00-1).